

**Creating 'community' through criminal  
justice policy: Engaging citizens and  
determining responsibility**

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## ABSTRACT

This thesis explores the claims of community justice initiatives to bring about a 'sense of community' for local citizens, through improving their quality of life, and engaging them in working with the state to deal with crime and disorder (Karp and Clear, 2000; Wolf 2007; Mair and Millings, 2011). This is a qualitative study to examine the experiences of both community and community justice, in a location (Middlesbrough) which was chosen to pilot the community court model, in 2006. In order to examine the claims and potential for community justice initiatives to create 'community', this thesis examines how this term is deployed politically, and the prominent theories associated with it. These theories include conservative and radical perspectives within communitarianism theory (Etzioni, 1995; Jordan 1998; Hopkins-Burke 2014); collective efficacy (Sampson et al, 1997), social capital theory (e.g. Bourdieu, 1986; Putnam, 2000; Coleman, 1990) and social cohesion (e.g. Mead, 1918; Rai, 2008). They provide important context to examine the assumptions made about the experience of community, especially in deprived areas where persistent inequalities and high levels of crime and anti-social behaviour regularly disrupt citizens' quality of life.

Middlesbrough was chosen as the site for the fieldwork, as one of the community court pilot locations, and because it presents an interesting case given its socio-economic history. To give some context to the qualitative data, ward level data produced by the Office for National Statistics (ONS) was examined to build a profile of the community under scrutiny. To reflect the focus of this study and as part of the profile of Middlesbrough, research literature, local news sites and social networking sites were used to map local community justice initiatives. The qualitative data was collected through interviews with professionals working within the arena of community justice (in the courts, probation service, police service and those working in restorative justice arrangements). In addition, volunteers and third sector staff in the local ward served by the courts and other community justice initiatives were interviewed, along with a small number of residents. This data was analysed using Layder's (2006) social domain theory, to reflect the interaction between individual accounts, the relationship

between citizens and the state and the impact of broader socio-economic circumstances.

The findings demonstrate the continuing challenges for innovation in criminal justice in community settings. Those working in the police service, courts and in restorative justice under the remit of community justice emphasised the value of problem-solving approaches and of community engagement. They also acknowledged there were challenges to these innovations, relating to broader political changes, and the socio-economic circumstances of residents in Middlesbrough. These challenges also reflected different views among those living and working in Middlesbrough, about where responsibility for citizens' safety lies. Participants across the sample expressed a view that their 'community' was being disrupted by continuing industrial decline, crime and anti-social behaviour. They also perceived that solutions to problems presented through innovations in dealing with crime and disorder in the community were fleeting due to lack of sustained investment and shifts in priorities. The findings demonstrate that policies which claim to create a 'sense of community' through the processes of justice remain limited in their scope due to the broader structural, political and social issues, which affect the daily lives of citizens. They further emphasise the need to understand the implementation of community justice through social domain theory (Layder, 2006), which offers a means by which to assess these innovations from a range of perspectives and experiences.



# 1. INTRODUCTION

## 1.1 Rationale for the study

The impetus for this research came from an article in a local Birmingham newspaper, about a new community court model piloted in the city, building on the implementation of the North Liverpool Community Justice Centre (NLCJC) (Birmingham Post, 2007). The NLCJC was based on the community justice centre model imported from America, an example being the Red Hook Community Justice Centre, in Brooklyn, New York (Llewellyn-Thomas and Prior, 2007). A similar model to the NLCJC was developed in Salford, using an existing Magistrates' courts building, and this was then to be piloted in 10 other locations in England and Wales. These were Plymouth, Nottingham, Bradford, Hull, Leicestershire, Birmingham, Merthyr Tydfil, two areas in London and Middlesbrough (Centre for Justice Innovation, 2015). The new courts would adopt problem-solving approaches, combining the authority of the court with provision of services to 'reduce reoffending and improve outcomes' (*ibid*, piii). These outcomes would include claims of creating a better 'community' through the delivery of justice and the provision of support services for victims, offenders and local residents (Wolf, 2007; Lee et al, 2013).

I saw an opportunity to examine the work of the community court in the context of the challenges for innovations in delivering justice, in community settings. It was clear early on this research needed to be undertaken in the context of what is understood by the term 'community', for those working and living in an area served by such innovations. When this research began, there were evaluations taking place and planned (e.g. Llewellyn-Thomas and Prior, 2007; Mair and Millings, 2011) to assess the effectiveness of the community courts and examine the challenges of delivering this new way to 'do justice'. This helped me to formulate the aims of my research, to build on previous evaluations (Karp and Clear 2000; Wolf, 2007; Llewellyn-Thomas and Prior, 2007; Mair and Millings, 2011; Bowen and Whitehead, 2013), and to include in my research, a broader range of perspectives on community courts and similar initiatives, all under the remit of community justice.

There are clearly stated principles common to community justice initiatives, from examples in the United Kingdom (UK) (e.g. Llewellyn-Thomas and Prior, 2007; Mair and Millings, 2011; Donoghue, 2014) and the United States of America (USA) (e.g. Karp and Clear 2000; Wolf, 2007; Berman et al, 2015). These initiatives are delivered in community settings, as defined by a distinct geographical location, with a range of organisations working together to solve problems associated with, and as a direct result of, crime and anti-social behaviour. For example, within neighbourhood policing, consultation with local residents and organisations is an important part of effectively targeting resources and providing visible reassurance to citizens (Rowe, 2008). Restorative practice is another important element of 'doing justice' in community settings, where local governance of this process is valued. These arrangements also aim to offer access to services to support all those affected, and to offer reparation, as well as to prevent further offending (Wolf, 2007). Community and problem-solving courts follow a model of justice, which requires that magistrates adopt a personalised approach for defendants, through direct dialogue to understand the circumstances which led to their offending. This means that sentencing not only punishes, but also has the potential to transform defendants' lives through solving various problems they face, presenting a form of justice which is described as 'socially meaningful' (Donoghue, 2014:141).

It must be noted here that common terms in use for these initiatives are 'community' or 'neighbourhood'. They denote responses to crime as localised, responding to those directly affected and involving consultation and co-operation at a local level between citizens and the state. These initiatives also use these terms to define boundaries of responsibility for local authorities, police services and probation arrangements. Crucially, they also claim to create 'community', through developing trust, consensus, networks and productive interactions between citizens and the state, all via the processes of justice. As stated by Mair (1995:463), 'community' is a term which has acquired 'a power over and above (its) normal everyday meaning,' where policies adopting this term would be easily perceived as constructive solutions to local problems. For the purposes of this study, 'community' will be the prominent term used to reflect the examination of its use in social policy, as opposed to 'neighbourhood'. This latter term is understood to reflect distinct geographical boundaries, and it is also adopted in policing approaches and operations which aim to solve local problems.

This thesis will explore how adopting 'community' as part of the rhetoric of a new and innovative way to 'do justice' disregards the diverse experiences of community and assumes it exists in a form which can be used to support the implementation of criminal justice policies. The experience of living in any location ranges from deprivation to prosperity, isolation to regular interaction, in areas characterised by intolerance of diversity or those who value being part of a multi-cultural hub. This all occurs within distinct geographical locations, defined as 'communities', and therefore, will affect the implementation of policies claiming to improve the quality of life for citizens. It is not surprising then that Hughes and Rowe echo Mair's concerns, with reference to 'community' as an 'unstable and contestable policy terrain' (2007:317), given the diversity of socio-economic circumstances, cultural differences and experiences of any given location.

This study therefore was an opportunity to research community justice initiatives, as an example of innovative approaches to justice being done locally, in a location where the claims to improve citizens' quality of life could face significant challenges. To promise delivering a 'sense of community' as well as transforming lives of those directly affected by crime and anti-social behaviour felt ambitious and beyond the scope of criminal justice policy. It also reflected the continuing use of 'community' in social policy to brand it as focusing on local concerns, despite the contestable nature of the term. I wanted to design a study to explore these issues and assumptions, from a breadth of perspectives in a distinct geographical area, where various forms of community justice had been implemented.

Problem-solving approaches also resonated with me, due to their potential in being transformative for those directly affected (Donoghue, 2014), even though I had misgivings about the promise of 'creating community' through such an approach. There has been a clear focus by governments to include local people and organisations in policies to deal with crime and disorder, and to represent this by using the term 'community' (Mair, 1995; Squires 2006; Hughes, 2007). This is also apparent in Lea's (2002) updated description of the 'square' of crime, to include the experiences of victims, the motivation of offenders, the response by the criminal justice system (CJS), and now, the role of 'publics and communities.' My own initial assumptions

about Middlesbrough, based on my own experience of visiting the North East regularly, were of a place which was scarred by long-term economic decline. I was interested to see if a 'sense of community' remained, in the form of pride, attachment to neighbours and through work and leisure activities with regular informal interactions, given how important this would be for policies attempting to deliver justice and engage citizens in these processes.

A clear rationale for this study began to develop, and I wanted to make sure in my study I would incorporate a range of perspectives from those working within the community justice arena, and those living and volunteering in the location, representing the focus of the community court pilot. The qualitative data would come from one to one interviews, to be analysed in context of the data collected about Middlesbrough to present a profile of the community, as defined by its geographical location and the socio-economic conditions. At this point, the development of my methodology led me to engage with Layder's (2006) social domain theory, as a framework to embrace the complexity of examining social life. Layder's theory presents four social domains, to reflect the interaction between individuals, local organisations and amenities and broader structural systems. These domains – *psycho-biographies, situated activities, social settings and contextual resources* – are discussed in more detail in Chapter 4, as they inform my methodological approach and the analysis of the data.

Therefore, the aims of this study were:

- To critically assess theories which define and present an understanding of community.
- To examine how the concepts of 'community' and 'justice' have been deployed in policy, through the use of community justice initiatives, with examples from the UK and USA.
- To examine the effects, benefits and challenges of implementing community justice initiatives, at a local level, for agency professionals, volunteer services and residents directly or indirectly affected by crime and disorder.

- To contribute to debates on the use of community justice initiatives to deal with crime and disorder and their claims to create ‘community’ and improve the quality of life for citizens.

There is a wealth of literature which examines the experience of community and its application to social policy which refers to individual members of the public as *citizens*, to mean those who live and work in any given location. For example, *active citizens* was a term adopted by New Labour (Giddens, 1998) in social policy promoting responsibility and obligation to others. In addition, community justice claims to engage *citizens* in the processes of justice (e.g. Wolf, 2007), and *citizenship* refers to the rights and duties of the public in community life (e.g. White, 2003; Faulkner, 2003). I will keep to these terms as used in literature, but they will be interchanged with ‘residents’ and ‘individuals’ throughout the thesis. The use of ‘citizen’ can be exclusionary to those who are perceived not to participate in local life, by virtue of their political and economic status as transitional migrants, who are not included in consultations or strategies to enable community engagement.

## **1.2 Defining ‘community’ in community justice**

The first stages of the review of literature on community justice initiatives identified links to social capital theory, which has been used as a framework for polices, aiming to develop working relationships between citizens and the state to solve problems and maintain safety. For example, Green et al (2000) suggested that the use of situational crime prevention can increase social capital, as represented by increased levels of trust between citizens, through visible signs of safety and security and by having citizens engaged in this process. This presented itself initially as a useful theoretical framework to examine the potential for community justice initiatives, i.e. to see if they could develop or increase levels of social capital (and therefore improve citizens quality of life), as defined by Bourdieu (1986), Coleman (1990), Putnam (2000) and others. A review of the work of the Red Hook Community Justice Centre in Brooklyn, New York (Wolf, 2007; Lee et al, 2013) also demonstrated this potential. Along with having a local court, which could administer justice for low-level offending, the justice centre was also a focal point for residents, as well as offenders, to access classes for educational qualifications, treatment services for those with addiction issues and

opportunities for more general support and interaction. This seemed to present itself as a form of social capital, however, I began to see assumptions within this theory. These included the extent to which criminal justice policies were best placed to create trust, consensus and positive interactions and networks, given they represent a response to violations of law and victimisation. It was clear that I needed to engage with other theories in order to more critically examine the term 'community' and its application in social policy. This included social cohesion – that 'emotional solidarity' which can occur in response to social problems (Mead, 1918:591) and 'the ties that bind' citizens (White, 2003) to work together to solve problems. It also became clear that to examine how citizens work with the state and third sector, I also needed to engage with the concepts of 'collective efficacy' (Sampson et al, 1997) and the notion of 'responsibilisation' (Garland, 2001), as it applies in the delivery of justice at a local level.

This thesis contributes to the understanding of 'community' and 'justice', as separate and related concepts, and as a framework for problem-solving approaches to deal with crime and disorder. 'Community' is examined as a construct of theories, such as social cohesion, social capital and collective efficacy. In addition, 'justice' is scrutinised as a series of approaches and policies implemented in community settings, which aim to reform offenders, prevent crime and support victims, and to also engage citizens and instil responsibility in them for their own and others' safety. This focus on 'community' as the foundation for policy to address a range of social issues including crime and disorder is nothing new (e.g. Pease, 1994; Mair, 1995; Hughes, 2007; Shapland, 2008), especially for dealing with those offences which affect citizens' daily quality of life and feelings of safety. Since the late 1990s, there have been calls for more 'active citizenship' (under New Labour) and various forms of engagement with police services and other state and private agencies to prevent crime and increase community safety. During this time, the 'Third Way' approach in government presented an alternative to excessive state intervention and less focus on more individualistic aims characterised by the free market economy of the 1980s (Giddens, 1998; Powell, 2000). Part of this new approach was to develop or build on networks and resources in local communities, using social capital theory and social cohesion as a basis for local government policies (e.g. Cooper et al, 1999; Blaxter et al, 2001; Coulthard et al, 2001; Campbell et al, 1999; Halpern, 1999; Putnam, 2000). More recently, Prime Minister

David Cameron's 'Big Society' initiative sought to appeal to citizens' sense of obligation to work with the state and take responsibility for their safety and that of their local community (Alcock, 2012). Therefore, it became clear that this thesis needed to explore theories which inform our understanding of the term 'community' (e.g. Willmott, 1987; Etzioni 1995; Jordan, 1998; Young, 1999; White, 2003; Hughes, 2007; Rai, 2008; Shapland, 2008; Ledwith 2011 and Hopkins-Burke, 2014), with a focus on their application in social policy.

We can see examples of this application in the implementation of community justice initiatives, such as neighbourhood policing and restorative justice, where 'community' has been represented as a sense of belonging, unity, trust and consensus among citizens (Green et al, 2000; Faulkner, 2003; White, 2003). This is also found in broader social policies, aiming to solve problems experienced locally, such as anti-social behaviour and public disorder resulting from racial tensions (Office of the Deputy Prime Minister (ODPM) 2004; Cattle, 2001; Rai, 2008). However, such problems need to be understood as symptomatic of broader structural systems and socio-economic conditions (Hope and Shaw 1988; Evans, 1997; Webster and Kingston, 2014). For the focus of this study, 'community' is examined in the context of assumptions about the reality of residents' daily quality of life and their ability to solve problems where they live (Young, 1999; Hughes, 2007). The impact of poor cohesion in communities is clear in relation to levels of crime and disorder (Cattle, 2001; Rai 2008), but also in citizens' abilities to overcome social and economic problems, especially those which are linked to sustained inequalities, divisions and a lack of prospects for change.

These issues form the basis of the review of literature, and as context for the analysis of the data, undertaken for this study. The scope of the work is to focus on the experiences of community and justice in the location chosen for the community court. This enables an examination of the potential for this form of justice to be transformative and develop an understanding of the challenges, which continue to affect the implementation of innovative justice policies.

### **1.3 Structure of the thesis and overview of chapters**

Chapter Two critically examines the concepts of community, social capital, social cohesion and collective efficacy, and how they have been applied in social policy. It explores assumptions about the term community, and how this informs its deployment in social policy. These assumptions include the extent to which trust, unity, consensus and access to resources are equally distributed, creating a place in which local citizens are able to work with the state to solve social problems and maintain a good quality of life. This chapter also presents debates about where responsibility lies and with whom, for addressing local problems, particularly focusing on low-level crime and anti-social behaviour.

Chapter Three critically examines what is understood by 'justice', with a focus on the principles of community justice, with reference to meeting the needs of offenders, victims and local citizens. It explores various forms of community justice initiatives, including community/neighbourhood policing, community court centres and restorative justice. This includes a review of the shifting focus and aims of community justice, due to broader political and economic ideologies, which have influenced this.

Chapter Four provides an account of the research design and methods adopted, the rationale behind the study, and the decisions made as the study progressed. This research is primarily a qualitative study, which also utilises data on ward level statistics from the Office for National Statistics (ONS). It also includes a review of research, local news and social networking sites, to build a profile of the community and to present examples of community justice in this location. This chapter charts the progress of the research, the sampling approach and the methods adopted to access participants, along with ethical issues, including those raised by the use of data from social networking sites.

Chapter Five presents the profile of the community, which formed the basis of this study, in Middlesbrough, including data on employment, health, housing, crime and demographic details. This provides useful context for the qualitative data to understand the broader issues, which are affecting citizens' quality of life in Middlesbrough. For example, these data show the impact of sustained industrial



decline, including more recent job losses from the steel industry, with higher figures than the national average on long-term unemployment, and more citizens in part time work (ONS, 2011). Given the stated aims of community justice to improve the quality of life for citizens, this chapter provides useful context to examine how significant social, economic and political changes affect citizens and communities. This also provides context to explore the challenges for practitioners attempting to engage and involve citizens in dealing with crime and disorder. It also presents data from the mapping exercise to provide a profile of the work of the organisations engaged in initiatives under the remit of community justice, in the local community and wider region.

Chapter Six presents analysis from the interviews focusing on themes of understanding community and community engagement, as relevant to examining theories and policy focus of community justice initiatives. Chapter Seven focuses on the themes of problem-solving approaches, partnership working and restorative practice. It also examines the challenges for those implementing innovations in justice in community settings to deal with low-level crime and anti-social behaviour.

In relation to perspectives on 'community', participants often referred to a 'sense of belonging', citing examples of events, which reinforce and undermine this. There was particular concern for younger generations, relating to a lack of economic prospects and access to resources to engage them in safe and legitimate activities. Among practitioners, problem-solving and transformative approaches in criminal justice were valued and acknowledged as more innovative forms of justice. However, they also reported challenges in implementing such innovations, given broader political changes and economic constraints. This was manifest in a lack of sustainability of various initiatives and a view that local residents would perceive this as a failure. Those working directly with victims of crime emphasised the value of restorative approaches, to deal with the emotional impact of crime, especially as many felt there was a gap in this provision, which other agencies had not filled. In discussing victims' experiences, many participants also referred to the detrimental impact of the reporting of incidents of crime and anti-social behaviour in local and national press, which sensationalized harm and diminished positive outcomes. For court staff, a particular issue was the lack

of context provided to explain the decisions of magistrates, which undid their outreach work and attempts to innovate in delivering justice.

In the concluding chapter for this thesis (Chapter Eight), there is an emphasis on the value of studying community justice through the theoretical framework of Layder's (2006) social domain theory. It also contributes to debates on what is understood by 'community' and 'justice', and the challenges of their continued use in policy to deal with local problems. The findings reiterate the challenges of delivering innovations in justice locally in the context of the broader political, social and economic conditions and changes. Examining initiatives under the remit of community justice, in a community, which has experienced industrial decline, provided an important opportunity. This study enabled insight into understanding the challenges facing policy makers and those living and working in these communities, in the context of the shifting focus of community justice and uncertainty over the sustainability of doing justice differently. Arguably, this has an effect of destabilising their status as effective ways to do justice locally. Given this has all occurred in a climate of increasing inequalities and reductions in public spending for those tasked with reducing crime, it is clear to see how the scope of community justice initiatives remains limited. The chapter also considers how reform and change in criminal justice policy is influenced by distorted media representations of sentencing and community justice, presenting it as an ineffective option and divergence from retributive forms of 'justice', rather than as a genuine attempt to solve the *problem* of crime. Finally, the chapter will consider the need for more research in this field, to undertake a more focused examination as to how community justice initiatives work. This would include examining the experiences of specific groups such as elderly and young people and recent immigrant populations. There is also potential to examine the role of faith-based services as part of a community and also, in the implementation of community justice initiatives.

## **2: CREATING 'COMMUNITY' THROUGH SOCIAL POLICY**

The term 'community' has been adopted to describe initiatives within social policy, which promise to address local problems and improve the quality of life for citizens. This is despite concerns raised about how 'community' is defined and the different experiences of 'community' in any given location (Mair, 1995; Faulkner 2003; Hughes 2007; Ledwith 2014). Examples can be found in policies focused on policing, i.e. Neighbourhood Policing, based on the community policing model, (Rowe, 2008), and regeneration, such as the 'New Deal for Communities' schemes, which claimed to transform deprived neighbourhoods and place 'community at the heart of the initiative' (Batty, et al, 2010:5). While these policies seem to offer an important and valued focus on local needs, the concerns raised about how we understand 'community' and what this means to those living in any given location warrant examination.

Mair, (1995), Pease (1994) and Hughes and Rowe (2007) have argued that the use of 'community' as a foundation for policy making is rooted in assumptions about the quality of life, for all those who live in a particular place. There has also been denial and disregard of the impact of broader structural inequalities, which will affect the implementation of those policies, as they aim to engage citizens to work with the state to solve problems and create a 'sense' of community (Young, 1999; Hancock, 2001; Garland 2001; Ledwith 2011). Given these issues, it is important to better understand what has been and what is currently understood by 'community', and what conditions are required to be able to label a community as a place which is cohesive and safe for all residents. This is where social and criminal justice policy has placed its focus and attention, to present politically appealing policies and a promise to focus on local issues and give autonomy to local agencies, to create 'community' as a place of safety and belonging. Community justice initiatives are very much part of this landscape and represent a range of policies to deal with crime and anti-social behaviour. They also promise to address related issues of poor housing, problematic drug use and mental health service provision, all with the additional aim to engage citizens to be part of the solution to various problems (Karp and Clear, 2000; Wolf, 2007; Skinns, 2007; Donoghue, 2014).

'Community' can be represented by place, as a collection of networks and reciprocal relationships between residents, the state and other organisations and as solidarity acquired through sharing political or leisure interests (Willmott, 1987; White, 2003; Hughes, 2007; Shapland, 2008). Prior to starting this research, I understood community as primarily represented by a place, a distinct geographical area, and where cohesion required trust and a consensus of views. I also understood it from a policy perspective as defined by boundaries set in place by local authorities, as a basis for determining responsibility for the implementation of community safety and criminal justice policies. It became clear early on in my review of literature that defining 'community' was much more complex than its use as a foundation for policy making would suggest, especially when examining what is meant by a 'cohesive' community. It requires a grasp of broader structural and economic conditions, which affect the quality of life for all citizens, and the diversity of experiences within any given location. Where a 'sense of community' can be generated by organised activities to enable interactions between citizens, as well as regular, naturally occurring contacts, the experience can be different for those living in areas where their basic needs and rights are not met, and yet where a sense of community can be derived from shared response to adversity.

## **2.1 Why do we need to examine 'community'?**

There are numerous examples from literature which provide definitions of community and refer to different types of community experiences (e.g. Etzioni, 1995; Jordan, 1998; Willmott, 1987; Faulkner 2003; Hopkins-Burke, 2014), which will be explored in this chapter. In addition, others have focused on the activities and events, which bring people within a locale together, to create a 'sense' of community through shared experiences and obligations to each other (Shapland 2008; Riots, Communities and Victims Panel, 2012). Theoretical explanations also focus on the relationship between citizens and the state, specifically to deal with crime and disorder, such as collective efficacy (Sampson et al, 1997) and the responsibilisation thesis (Garland, 2001). Therefore, to provide a comprehensive review of the understanding of community as a foundation for social policy, it serves to consider social cohesion, social capital theory and the work of communitarian theorists, such as Etzioni (1995), Jordan (1998) and Hopkins-Burke (2014). These theories focus on what is required for a community

to work, to function as an entity in which problems can be solved, and in which citizens feel safe, that they belong and where these conditions can be maintained. The focus of this study lends itself to examining community through these theories and concepts, as they have been used as a foundation for policy to address crime and anti-social behaviour. They have also attempted to engage citizens to be part of the solution to the problem of crime. Crime and anti-social behaviour will affect citizens' perceptions of safety in their community and their views on those tasked with addressing it, so it is clear to see why this remains a concern for criminologists and policy makers, as succinctly stated by Hughes and Rowe (2007):

'Criminologists, like sociologists before them, continue to fret over the nature, and the normative and political effects, of community as a governmental appeal and technique and in particular, its articulation in debates in policing, security and community safety' (p318).

The application of 'community' to policy to address crime and anti-social behaviour is discussed later on in this chapter, along with an assessment of its use in broader social policy. Hughes and Rowe's (*ibid*) assertion of the anxieties about the use of the term community in policy making reflect this as a complex process, which persists, as reflected in the determination of political parties in attempting to 'create' cohesion, obligation and belonging through social policy. Research into the various initiatives dealing with crime and anti-social behaviour under the remit of community justice has also examined the need for a clear focal point within that community, to enable community engagement and ease of access to resources offered by these initiatives (e.g. the North Liverpool Community Centre, see Llewellyn-Thomas and Prior 2007; Mair and Millings, 2011). It also demonstrates how such initiatives have focused on distinct locations in need of intervention (e.g. community court models piloted in the UK, see Bowen and Whitehead 2013), particularly those areas described as deprived and experiencing a multitude of problems (Ledwith, 2011). To present another example, we can consider Neighbourhood Policing Teams, which combine the use of a local police station as a focal point for residents, alongside having a clear remit for dealing with local priorities, being a visible presence and 'reassurance' to keep the community feeling safe (see Ekblom, 1986; Thurman et al, 2001 and Rowe, 2008). These policies are examined in much more detail in the next chapter and are

presented here to highlight the focus for this research on understanding community as a basis for policy making, and the challenges this presents.

A stated aim of community justice is to improve the quality of life for local citizens, as well as addressing re-offending and preventing crime (e.g. Wolf, 2007). The focus of this study presents an example of government adopting policies and ideologies, in which 'community' is used to legitimise interventions, to bring about collective solidarity and place more responsibility onto citizens for their own safety (Edwards and Hughes, 2011). A consequence of this is a 'Darwinian, competitive struggle for survival which favours the strongest and most resourceful' (*ibid*, p4). This is represented by the extent to which citizens are able to create and maintain a cohesive community, given the inequalities they face in terms of access to resources, and the relationships which are required, in order to make effective use of such resources. Therefore, it is useful to examine the political context of broader social policies, such as New Labour's third way ideology (Giddens, 1998) and Prime Minister David Cameron's 'Big Society' initiative, as they all impact on the experience of 'community'. This examination emphasises that initiatives developed to address crime and anti-social behaviour do not occur in a localised vacuum, where citizens and local state agencies have determined the problems and priorities and reached a consensus for their response but are subject to much broader structural conditions and ideologies.

However, a useful starting point is to present an examination and consolidation of existing definitions of 'community' (e.g. Willmott, 1987; White 2003; Shapland, 2008), along with more radical and contemporary perspectives (e.g. Young, 1999; Hughes, 2007, Hopkins-Burke, 2014). This focus is important because 'community' continues to be used as the basis for policy to address local issues, where constructing an idealised and positive 'sense of community' remains an attractive aim for policy makers and governments. In addition, as stated by Hughes and Rowe (2007) above, this also represents a concern for social scientists grappling with the range of experiences of local life, and how this affects their experiences of crime and anti-social behaviour, and the processes of the CJS.

## 2.2 Defining 'community'

Throughout the 19<sup>th</sup> and 20<sup>th</sup> centuries and continuing into the 21<sup>st</sup> century there has been extensive debate regarding what is meant by the term 'community' and how it is understood (Durkheim, 1894; Mead, 1918; Willmott, 1987; Pease, 1994; Etzioni, 1995; Jordan, 1998; White, 2003; Hughes, 2007; Shapland 2008 and Hopkins-Burke, 2014). Willmott (1987) presented a useful typology to reflect three distinct ways to define community. These were geographical boundaries (*territorial communities*), common political, religious or leisure interests among citizens (*interest communities*) and *attachment communities*, where citizens have a sense of 'belonging' to a place or with others. The fit between these categories confirms the importance of place, as being a key component of territorial and attachment communities, whereas interest communities stretch boundaries beyond place, and can now occur in virtual as well as physical worlds. It is important to acknowledge the assumptions which exist regarding the existence of consensus and shared ideologies, which are required for cohesion in communities (Faulkner 2003). However, Willmott's (*ibid*) categories do provide a useful starting point to examine more contemporary perspectives, to assess community as defined in part by place, as an important aspect of the experience of community for many citizens.

This experience of community maybe changing as we can connect with others in virtual worlds and cyberspace, but the necessities of everyday life mean that at some point, many of us connect with community as a place, a physical location and interactions with others, represented as physical and meaningful events. In addition, our *interests* and *attachments* can be located within the *territories* we inhabit, providing a clear sense of belonging on several fronts (*ibid*). However, as easily as these attachments may occur, for others, community is not represented in a positive way by place as there is little sense of belonging associated with this, especially when little else exists to also offer interest or attachment. For some, community may be represented simply by proximity to others, without any sense of trust or reason to interact beyond daily necessities, i.e. without the emotional response associated with a 'sense of belonging'. Therefore, Willmott's (1987) analysis cannot be applied to all citizens' experiences of community, due to their home not being a place of safety or source of pride. The experience of community may also be defined by a lack of access

to meaningful and fulfilling activities, opportunities and prospects, which can pique interest and generate attachment to others. A relatively recent assessment from White (2003) presents 'community' as a 'social utopia' in which a consensus of values, tolerance of differences and equality in accessing resources exists, therefore enabling citizens to solve problems and improve their quality of life. However, when crime is the problem, Cohen (1985) suggested there are very distinct attitudes from citizens who instead of accepting inclusive and restorative approaches, would favour and engage with formal social controls dispersed via state and third sector organisations. White's (2003) idealistic 'social utopia' is seemingly easily undermined in places where high crime rates can diminish tolerance of differences, where it is clear equality does not exist. These are places where citizens' experience of community is not defined by a sense of belonging, but instead becomes a place where they predominantly feel a sense of insecurity and mistrust. These views do begin to demonstrate just how the word 'community' can conjure up different meanings and experiences, among different groups, even within the same location. Therefore, more contemporary analyses of community are needed, to acknowledge the socio-economic circumstances of citizens, and they also need to shift from assuming a sense of belonging is generated simply by proximity to others within a distinct geographical area (Hughes, 2007). The idealised and utopian notions of community which assume consensus, access to resources and trust between residents and others have a prominence in policy making including the promises of various state led interventions in community justice. However, they do not reflect the reality of daily life for many citizens, meaning a clearer assessment of the experience of 'community' is needed, as it currently is, and not perhaps, as it once was.

The challenges in defining what community means were also emphasised by Pease (1994), when examining this as a basis for policy making, who described it as a vague, almost indefinable concept. Hughes and Rowe (2007) offer additional critique, describing it as best, useful as a broad categorisation, but with the potential for it to become an 'unstable and contestable policy terrain' (p.317). The categorisation of community wards and districts are represented by local authority boundaries, as used to define the work of community courts in 2006 (see Llewelyn-Thomas and Prior, 2007; Brown and Payne 2007; Mair and Millings, 2011), and neighbourhood policing teams (Innes, 2006; Rowe, 2008; Quinton and Morris, 2008). Therefore, community



as a basis for policy can be defined by the physical location where policy is implemented, and the criteria for testing new initiatives can be based on socio-economic circumstances, which warrant intervention, as in the case of the community courts in 2006. However, given the disruptive effects of crime and anti-social behaviour, the assumptions that define community as a place where there exists a sense of belonging, consensus of views and attachment to others, does still render it contestable as a reliable basis for social policy.

In the case of the community courts piloted in the UK in 2006, the criterion for determining where the intervention would be focused was based on levels of deprivation and anti-social behaviour. These were locations where it was also deemed that a different approach by the courts would deal with the problem of crime, and other issues such as poor housing, long term unemployment, mental health issues and problematic drug and alcohol use (Bowen and Whitehead 2013; Donoghue, 2014). It is not clear that there was any assessment of the 'community' in terms of its potential to create cohesion in the form of trust, belonging or where a climate of reciprocity existed. This emphasises the limitations of the use of community in social policy, and fits with Hughes' and Rowe's (2007) assessment of this term in policy making, as contestable. However, it is also argued that through this process such communities can be labelled as problem 'places' in need of more repressive interventions by the state, with less of a focus on developing working partnerships, reciprocity and trust between citizens (Hancock, 2001; Young, 2007). If that is the perception of any given location, immediately there may be a barrier to implementing more innovative ways of dealing with crime. Local residents will find it difficult to put their faith in a policy claiming to change lives, while also offering them guarantees of reducing crime, and evidence of justice being done. It is useful to consider here White's (2003) definition of community as a 'social utopia' and as a place in which there are 'a wide diversity of people with varying perceptions, interests and safety concerns' (p.139). This emphasises the importance of understanding the experience of community, in order for policy to be able to take advantage of positive experiences of community, and deal with the barriers which hinder this.

Shapland (2008) has suggested that shared political ideology is a stronger basis for cohesion in communities, emphasising an important shift from Willmott's (1987)

categories. This is also represented by shared beliefs, and, according to Faulkner (2003), equality of access to resources sufficient to maintain a 'sense of common identity and of mutual obligation and respect' (2003:291). Shapland (2008) also cites the potential transformative impact of citizens' shared experiences, occurring through traumatic events, such as public disorder or violent crime, which can bring solidarity in dealing with the aftermath, albeit on a temporary basis. Social cohesion is explored in more detail later in this chapter, but it is worth referring here to Mead's (1918) assessment of cohesion as rooted in solidarity against aggression. However, this representation of community is fleeting and can diminish as problems are seen to be resolved, even though the underlying issues and therefore, risks of recurrence, remain. For example, the interim report on the riots in London and around the UK during August 2011 (Riots, Communities and Victims Panel, 2012) praised the scenes of citizens coming together to clean up the streets:

'Through their resilience, hope and optimism they reclaimed their communities. There was no single cause of the riots and there is no single solution.' (Riots, Communities and Victims Panel, 2012:5).

The implication here is reclamation of 'community' by law abiding local residents, from rioters, who had physically harmed the various places where the disorder occurred. The immediate reasons presented by national press and politicians (Cabinet Office, 2011 see <https://www.gov.uk/government/speeches/pms-speech-on-the-fightback-after-the-riots>), suggested it was clear who was to blame - 'the thugs' - and then who was seen as representing the best of Britain - the 'riot wombles', who came to clear up the streets. There was a dismissal of the riots as a reaction against government spending cuts and poverty, instead the behaviour of those involved was attributed to 'an indifference to right and wrong...a twisted moral code...and a complete absence of self-restraint' (*ibid*). These negative qualities oppose those characteristics that align with what is required for cohesion in communities, as places where people feel safe, attached and that they belong to a group with similar values and aspirations (e.g. White, 2003; Faulkner, 2003). The response to those who cleaned up the streets as the best of Britain is in stark contrast to the swift justice meted out to those involved in the riots, which was also symbolically punitive, as magistrates used the background of the riots in defendants' cases as aggravating factors (Lightowlers and Quirk, 2015). In a further dismissal of the underlying causes of the riots, those involved were to be

made an example of, and justice was, in this case used as a form of retribution (Riots, Communities and Victims Panel, 2012). This form of justice was accepted as part of the process of rebuilding the local community through state intervention, in conjunction with those law-abiding citizens who worked with the state to deal with the aftermath and reclaim their community as a place of safety.

In addition, as a further example of the dismissive attitude of the causes of the August 2011 riots and as the quote above alludes to, there are concerns about the possibility of a recurrence. Given the language used by Cameron about the rioters and assumptions about their motivations, along with the continued drive of austerity-led policies and lack of investment in public services, these concerns are clearly well-founded. This reclamation of community spirit presented encouraging images of cohesion, consensus and even trust between citizens, through this shared emotional response to disorder. However, such a response does not address why the rioting occurred and was sustained over a number of days. It simply shows when such events occur, citizens' obligation to help and support each other is ignited, but not necessarily sustained in response to other problems (Shapland, 2008). The report described the need to address the immediate impact of the disorder, as well as the 'deep-seated causes of dissatisfaction beneath'. It also advocated reaching out to community leaders to 'commit to build strong, resilient and thriving local communities where no one feels the urge to take such destructive action ever again' (Riots, Communities and Victims Panel, 2012:5).

It is interesting here the responsibility for preventing future events is placed with community 'leaders', with no clear indication as to who they are and how they are designated as leaders. This again suggests that communities as an entity need to become strong and resilient, using these 'leaders' as a starting point and catalyst for change. Their duties would perhaps be in part to address citizens' dissatisfaction and concerns, but it is not made clear to what degree or even, how they would go about this. Arguably, this diverts responsibility from the state to deal with the impact of sustained inequalities and lack of prospects for young people, even though these issues were at the heart of the causes of the riots (*ibid*). Instead, the role of the state was to act as 'punisher' – to revert, through the CJS, to punitive sanctions to be seen to be delivering justice through the courts.

Prior to the events described above, in attempt to generate a sense of obligation between citizens and responsibility for their community (White, 2003; Faulkner, 2003), governments have presented policies such as New Labour's 'active citizenship' initiative, as part of their programme of renewal and regeneration (Giddens, 1998). This occurred alongside a concerted effort by New Labour to focus more on the collective good and shift away from the culture of individualism as advocated by Thatcher's Conservative government. They embraced communitarianism as a foundation for social policies to 'use the state as an enabling force' (Blair, 1998:4). This was also intended to enable mutual interdependence of citizens, working with the state to create community cohesion by improving their quality of life. Similarly, David Cameron's 'Big Society' initiative also aimed to place responsibility for addressing local problems with citizens, again working with a more efficient state and including the third sector (Alcock, 2012).

Ledwith (2011), in her analysis of the development of 'community', emphasises the lack of attention in both these approaches to structural and embedded inequalities, and therefore, the sense of injustice felt by many who had not benefitted from the efforts of successive governments, whether right, left or central in their ideology. Early on in the New Labour government, the view that communities could become entities in which mutual reciprocity thrived and where informal social controls could prevent and solve problems was promoted as central to the 'Third Way' ideology (Giddens, 1998). However, this occurred alongside authoritarian state interventions in policing and the punishment of offenders, such as zero-tolerance police operations, increased use of stop and search (Bowling and Phillips, 2007) and legal sanctions against anti-social behaviour (Donoghue, 2008). It seems then, generating the spirit of community to solve problems is a panacea which appeals politically, yet, the actual solutions to the problem of crime are all too often superseded by top down criminal justice initiatives, as a means for government being seen to do justice and remain 'tough on crime' (Labour Party Manifesto, 1997). 'Community' as a basis for the implementation of justice all too easily loses its power as anything beyond its everyday meaning (Mair, 1995), in the face of governments feeling the pressure to present robust and punitive law and order policies.

This presents a very clear challenge for governments and those seeking to implement community justice initiatives, which require the existence of a 'sense' of community. Garland's (2001) responsibilisation thesis presents some clarity here, where citizens are asked to take responsibility for preventing *low-level* crime and anti-social behaviour. Incidences such as the August Riots in 2011 seem to transcend the concerns about engaging citizens and instead, the resources are found to allow the state to act. In this case, this activity intended to deal with, what Kenneth Clarke (Justice Secretary at the time), referred to as the 'feral underclass' (Newburn 2012). This emphasises that policies presented under the remit of community justice, which promise to create community spirit will face barriers in part because of the emotional responses to crime, in which those directly and indirectly affected demand a response by the state. It is also important to note that Clarke's (2011) assessment of the rioters was presented in relation to acknowledging the impact of excessive consumerism on their psyche, shifting away from the rhetoric of them being inherently criminal or 'twisted' (Newburn 2012).

Ledwith (2011) points out the clear contradiction of implementing policies to empower citizens and encourage participation in local life, while also cutting services which mean those in the poorest communities lack the resources and places to interact and engage with each other. These services can also act as informal social controls and as a form of social capital, creating community as a place to access support and where those who do wish to engage with others, have the opportunities to do so. Amenities such as libraries, youth clubs, education and training venues and places for leisure activities are all examples of places which shore up social capital (Coleman, 1990, Putnam, 1993; Leonard and Onyx, 2007) and social cohesion (e.g. White, 2003; ODPM, 2004; Rai, 2008). The challenges of engaging citizens to work with the state, therefore requires discussion about the impact of sustained inequalities, given the persistent disregard of these issues, by previous and current governments when developing policy to address local concerns. This re-frames this issue as one where the state becomes more responsible for dealing with the challenges of engaging local citizens. This is manifest as not dealing with deprivation and inequalities where there exists 'communities of fate' rather than choice, containing residents who are 'spatially and socially trapped' (Hughes, 2007:13).

In places where a sense of community is represented by tolerance of differences (e.g. Faulkner, 2003) and a shared identity (e.g. Willmott, 1987; Shapland, 2008), there is a risk to this if that community faces persistent social problems, resulting from the loss of industry and lack of prospects for younger generations. This has been the experience of residents in Middlesbrough, with the closing of the Redcar Steelworks in Teesside, similarly to those living in towns and villages affected by the closing down of coalmines mines during the 1980s (Worthy and Goldson, 2010). Dorling and Rees (2003) have suggested that material status and access to opportunities to create and maintain wealth further segregates some citizens from those who lack this.

Parekh argues that a more realistic concept is a 'community of communities, a community of citizens, not a place of oppressive uniformity based on a single and substantive culture' (2000: 56). This is an important issue to grasp, that concerns over socio-economic inequalities are important, but so are understanding how tolerance of differences in culture and beliefs affect the willingness and ability of citizens to engage positively with each other, and with the state to solve problems. This seems to be related to the evolution of understanding 'community', to acknowledge the broader issues and the social changes, which have affected citizens' experiences of where they live and work. This intersection of class, inequality, ethnicity, culture and the need for cohesion in the form of trust, consensus and reciprocity between citizens and the state demonstrates the complexity of attempting to define community. Social cohesion and social capital theory are included in this analysis, as they offer a theoretical framework for social policy, including community justice initiatives, to create cohesion and the positive of connotations of community.

### **2.3 Social cohesion and social capital theory – consensus, participation and belonging through policy development**

Citizens' sense of community and belonging was suggested by George Herbert Mead as represented by 'uniting members of the community in the emotional solidarity of aggression' (Mead, 1918:591). The challenges of this have been discussed above, and emphasise the need to understand the diversity of perspectives, experiences of community and broader structural issues which can influence citizens' level of engagement, especially when considering the emotive issues generated by crime and

anti-social behaviour. However, despite these challenges, there is evidence, explored in more detail in the next chapter, of the potential therapeutic effects on the quality of life in a community where citizens work with the state to solve problems, or come together to repair harms caused by crime and anti-social behaviour (e.g. Lacey and Zedner, 1995; Shapland, 2008; Donoghue 2014). Therefore, Mead's proposition above does perhaps explain the persistence of policy makers in focusing on addressing local problems by uniting citizens against those who harm them and their community. On the face of it, it offers an opportunity to present an issue in which consensus is clear, common goals exist and in which problems can be solved. However, given the constant re-focus, re-branding and the slew of initiatives which have been introduced under the remit of community justice these assumptions of consensus and acceptance of responsibility by citizens to be part of the solution must be better understood.

Therefore, it pays to examine social cohesion, both as a foundation for policy to generate and utilise a 'sense of community' and its prominence in policies across the board which have sought to improve the overall quality of life for citizens. Mead's work has been cited by White (2003) as a foundation for defining social cohesion, as a form of unity and consensus, but also as:

'ties at the local level that bind people together in a positive way - such as familiarity with one's neighbours, shared interests, sense of community, engagement in formal and voluntary organizations, presence of local friendship and acquaintance networks' (White, 2003:143).

The suggestion that citizens need to come together in a 'positive way' is an important feature of social cohesion, to address the impact of crime, with the implication being that this will affect the type of and level of state interventions, i.e. instead of partnerships, consultations and utilising established networks, citizens will experience imposed formal social controls. However, it is important to note that there are examples in community justice initiatives which do focus on 'communities in need', and target areas of deprivation and high levels of anti-social behaviour to address these issues and improve the overall quality of life for citizens (e.g. Karp and Clear, 2000; Wolf, 2007; Mair and Millings, 2011). These initiatives aim to implement the processes of justice, along with improving the relationship between citizens and

state/CJS agencies, with the assistance of voluntary organisations, therefore Mead's proposition seems to provide a framework in which community justice initiatives can be assessed for their effectiveness in reducing re-offending, but also in resolving other conflicts and problems related to crime.

In addition, it is suggested that cohesion is demonstrated by stability within neighbourhoods, manifest by high levels of long term occupation of homes, creating familiarity and regular informal interactions. Along with consensus of views and tolerance of diversity, this can create the conditions in which informal social controls can be exerted by local residents (White 2003; ODPM, 2004; Rai 2008). However, if the experience of community is characterised by exclusion and deprivation, with a lack of prospects, and this occurs in places where there are transient populations, and where housing policies and loss of industry are persistent barriers to regeneration (Hancock, 2001; 2008), cohesion becomes much more difficult and unattainable as a policy aim. As others have suggested, deprivation can decrease collective engagement and undermine informal social controls (Silverman and della-Guistina, 2001; Faulkner, 2003). The likelihood is that in these communities, criminal justice agencies will assume their role as the authority of the state, as opposed to leading in the development of engaging with citizens, to work with them in partnership and improve the overall experience of 'community'.

Therefore, it is useful to examine how social cohesion is defined and under what circumstances it is considered to be at 'high' levels, given its association with creating community as a sense of belonging, trust and consensus among citizens. Mead's (1918) analysis of unity generated through solidarity against harm is supported by more contemporary perspectives. For example, Shapland's (2008) suggestion that community is represented by citizens unifying to solve problems and White's (2003) utopian ideal of community requiring consensus, tolerance of diversity, and equality of access to resources and opportunities. However, it is also argued that in contemporary western society the diminishment of 'social relations from localised contexts, weakened family and communal ties' has had a direct impact on social cohesion and social order (Lacey and Zedner, 1995:301). Therefore, contemporary definitions of social cohesion, in the framework of determining what is required for this, focus on ways to improve communal ties, and acknowledge the impact of diverse cultures and



family circumstances. An example of this is found in a report on social cohesion by the ODPM (2004), which sought to establish the causes of public disorder in Oldham, Bradford and Burnley during the summer of 2001. The definition adopted for this study presented the common features of a cohesive community as:

- A common vision and a sense of belonging for all communities;
- Diversity of people's different backgrounds and circumstances are appreciated and positively valued;
- Those from different backgrounds have similar life opportunities; and
- Strong and positive relationships are being developed between people from different backgrounds in the workplace, in schools and within neighbourhoods (ODPM), 2004:6).

This definition presents cohesion as requiring a distinct set of conditions and values, along with stability in family life and a sense of belonging generated by being part of the community (Lacey and Zedner, 1995). It serves to consider Rai's (2008) work on neighbourhood renewal, in that even in those communities where investment was provided and a concerted effort to improve the quality of life was evident, there were still inequalities in decision making and participation and a lack of consideration of the diversity of views in any given place. The ODPM (2004) research found that the public disorder in Oldham, Bradford and Burnley disturbances revealed racial tensions between various communities and recommended that a long-term commitment to improve social cohesion was required, as well as the law and order response. Social cohesion was viewed as a means to 'break down barriers between different communities' (*ibid*, p.4) and was promoted as being an important responsibility for local authorities. For policy makers, social cohesion presented a means by which to define a community that 'works', that is able to be inclusive and develop positive relationships. However, as discussed above, the impact of long term deprivation and persistent levels of crime and anti-social behaviour present barriers to cohesion, which are not easily resolved.

Social capital theory has also been presented as a framework for policy to develop cohesion in the form of trust, consensus and, to generate access to resources and networks to enable citizens to improve and maintain their quality of life (Coleman, 1990; Fukuyama, 1995). Bourdieu (1986) emphasises the dynamic nature of social capital and its dependence on economic and social structures, as to whether it can

develop and be maintained. In reference to economic and other forms of capital, Bourdieu argues there is a need to allow time and the necessary social structures to enable capital to reach its 'potential capacity to produce profits and to reproduce itself in identical or expanded form' (1986:241). Coleman (1990) adds that social capital is created and maintained through co-operation between citizens, meaning high levels of social capital are manifest in interconnections, trust and acting for the common good. This needed to occur alongside lower levels of crime, good educational attainment and economic prosperity (Putnam, 1993). In addition, Leonard and Onyx (2007) present social capital as:

'A durable network of more or less institutionalized relationships of mutual acquaintance and recognition – or in other words, to membership of a group – which provides each of its members with the backing of the collectively-owned capital, a 'credential' which entitles them to credit, in the various senses of the word.' (2007:51).

The key words from this are 'durable', 'mutual' and 'collectively' – they have been used in various definitions of community, and they align with the features of social cohesion, expressed as a need for stability, tolerance and consensus. Social capital also requires solidarity within networks in order to maximise the benefits and ensure the continuing presence and durability of support (*ibid*). The reaction to crime and deviant behaviour as well as serving to uphold moral values is intended to enable attachments to form among citizens, termed the 'conscience collective' (Durkheim, 1894). Therefore, if crime is viewed as a violation of group/community values, it provides an opportunity for members to reaffirm values and norms, but also according to Cotterell (1999), can still lead to the use and acceptance of repressive law and order policies.

The definition of social capital by the ONS (2001) further emphasises the alignment between this and our understanding of community and social cohesion, describing it as:

'social energy, community spirit, social bonds, civic virtue, community networks, social ozone, extended friendships, community life, social resources, informal and formal networks, good neighbourliness and social glue' (ONS, 2001:7).

Social capital is distinct from other forms of capital such as *human* and *cultural* capital. Human capital refers to individual attributes of skills, qualifications and knowledge and experience, which then extends to cultural capital as an accumulation of different cultural experiences, enabled by travel and education (Gould, 2001, cited in Putnam 2000). Indeed Gould (2001) argues that cultural capital is a form of social capital, in that it enables communities to enhance their relationships and networks through shared cultural activities. Another useful way to assess social capital is to understand how it differs from social control, as demonstrated by a study about a group of African American women dealing with poverty (Stack, 1974, cited in Putnam 2000). Strong social ties and control helped the women cope with poverty through exchange networks, however, a lack of social capital prevented them from actually addressing their circumstances, due to a lack of access to financial and other resources and support. This could also be attributed to the political context of the USA, which marginalised black people and excluded them from participating in democratic decisions locally, when this required interacting with others outside their own ethnic group.

To further assess social capital theory as a means to understand community, it is useful to examine four key perspectives, which incorporate the different arenas to which social capital theory is applied. For example, the communitarian perspective of social capital emphasises the value of membership of associations, outside of family life, which can have positive consequences, but can also result in excluding or isolating some citizens. They can also represent potential for conflict, if collective goals of the groups do not represent all citizens (Portes and Landolt, 1996). The networks view claims to encompass both positive and negative aspects of social capital, stressing the need to recognise hierarchical relationships which exist with state agencies and other powerful organisations, along with the need for ties which cross social divisions, based on religion, ethnicity, gender or socio-economic status (Woolcock and Narayan, 2000).

In addition, within the networks view exists a distinction between bridging and bonding as forms of social capital. Bridging social capital is necessary for galvanising citizens into action, whereas bonding social capital is necessary to facilitate the coexistence of citizens in a community. Putnam (2000:19) suggests that 'bonding social capital

constitutes a kind of sociological super glue, whereas bridging social capital provides a sociological WD 40'. Bonding social capital is limited to close ties among homogenous groups, family members and close friends. Bridging social capital is more inclusive and refers to networks between more geographically distant family members and friends, colleagues and associates in the community, for example through work or religious affiliation (Putnam, 2000).

The institutional perspective of social capital emphasises the value of places and forums which facilitate the production of community networks and civil society, within existing political, legal and economic structures. It assesses the capacity of citizens to address problems, through the quality of formal institutions to which they have access (North, 1990, cited in Putnam 2000), emphasising the need for bridging social capital as necessary to affect broader change in a community. In addition, such institutions can be, according to Rodrik (1998), associated with providing opportunities for economic growth and preventing inequalities, which will be of benefit to individuals and communities, where such opportunities exist. At first glance, the same could be said for the synergistic perspective, as this also attempts to integrate the networks and institutional views, advocating the development of 'dynamic professional alliances and relationships between and within state bureaucracies and various civil society actors' (Woolcock and Narayan, 2000: 13). It recognises that state agencies, communities and organisations must work together to address problems and promote sustainable development, and research is required to identify when these networks are effective (Fox, 1992). However, it is also important to understand what happens to the experience of community when the resources and networks discussed above, cannot be described as dynamic or effective in addressing problems for all citizens.

The need to focus on what Foley and Edwards (1997) refer to as 'social structural interpretations' of social capital is clear, as they arguably provide a more realistic assessment of community experiences. Foley and Edwards (*ibid*) assessment of 45 articles researching social capital as a foundation for policy, found little support for the suggestion that levels of trust had a significant impact on citizens lives, specifically in the areas of health and economic development. They found that equality in access to and being in receipt of resources was more important than levels of trust. This was also valued more than being part of networks, as represented by working with

voluntary organisations or relevant public-sector organisations. This research emphasises that creating relationships, partnerships, networks and contact between citizens, the state and others has a limited scope in improving the quality of life within a deprived community. A lack of financial resources, basic amenities, access to healthcare and employment could easily undermine the development of networks and trust among citizens. Therefore, if deprived communities are to benefit from social capital, they will require resources to meet their basic needs, otherwise, persistent barriers to achieving high levels of social capital in the form of trust and consensus will remain (Hagan, 1989). Therefore, caution is necessary in discussing the potential for community justice initiatives to restore social capital, given there are communities where many face more pressing priorities and are unable to engage with the state and participate in local democracy (Pino, 2001).

To demonstrate how social capital theory and social cohesion have been adopted in policy, it serves to examine the work of the Social Exclusion Unit (SEU). The SEU was formed in 1998, with a remit for neighbourhood renewal and regeneration for the poorest neighbourhoods, informed by concepts of exclusion, cohesion and social capital (Ledwith, 2011). The criteria for determining where various initiatives were implemented, such as Sure Start, Education Action Zones, New Deal for Communities and many others were high levels of worklessness, crime and anti-social behaviour (particularly vandalism and littering), poor health indicators, inadequate housing provision, and communities in which amenities such as GP surgeries and schools were rated as poorly performing (Ledwith, 2011). However, despite these efforts it became clear the problems associated with these so called 'worst neighbourhoods' (Lupton and Power 2005:119), were not easily resolved. Burton (2003) argued this was because they represented tokenistic measures which were not adequately funded, had to deal with problems arising from persistent inequalities, which had occurred over generations and where a radical shift in ideology was needed. Burton (*ibid*) also emphasised the effect was not only to hamper 'community development' but it also had a detrimental effect on local activists' enthusiasm for their work and efforts, which were deemed to be failing, as opposed to being failed by structural inequalities which were beyond the reach of those trying to affect local change. Prior to Hopkins-Burke's (2014) radical communitarian perspective which emphasised the need to balance the rights and responsibilities of citizens, (see section 2.4), Craig

(1998) argued that the SEU suffered from 'ideological confusion' (p.2) which actually eroded the rights of citizens, while asking them to take on the responsibility to improve their lives. The level of intervention in social policy occurred alongside decreasing levels of welfare provision, where the potential for transformation was diluted to addressing short term problems, with a limited focus on effectiveness and efficiency in service delivery.

The application of social cohesion and social capital theory to policy could offer a means by which to assess the conditions and quality of life in a community, as defined by a distinct geographical location. It presents a framework to examine the existence of resources, networks, tolerance of diversity, shared ideologies and experiences within a community, giving policy makers perhaps a better idea of where intervention is needed and what form that intervention should take. However, the adoption of these policies does seem to have neglected the exclusionary aspects of community for some citizens, whose basic needs are not met or who are simply not given the opportunities to express themselves and reveal their experiences of community life.

## **2.4 The communitarians – conservative and radical perspectives**

Among the key communitarian theorists, some focus on the need for networks and bonds among citizens, where equality and consensus of views is assumed (e.g. Etzioni, 1995). Others do consider external influences upon experiences of any given community as a place, whether as racial divisions arising from immigration (e.g. Jordan, 1998) or economic differences resulting from lack of investment, or loss of industry (e.g. Fraser, 1997; Young 1999). More contemporary analyses of community attempt to define this in the context of the rights and responsibilities of both citizens and the state, where a cohesive community requires the state and others to meet the basic needs of citizens, to then be able to demand reciprocal obligations and expectations (e.g. Hughes, 2007; Hopkins-Burke, 2014). It is useful to examine these theories here, as they explain 'community' as a place where social cohesion and social capital can exist, but they are also informed by distinct political ideologies and therefore, assumptions, about what 'community' is and should be. For example, Driver and Martell (2002) described New Labour's approach as 'reinventing government through collective action in the community' (p.105), using a form of communitarianism

promoted by Etzioni and others to develop moral and cohesive communities in the framework of a new form of capitalism. However, there was still a lack of political will by New Labour to consider more radical forms of communitarianism and governance to be more distributive and promote equality, instead looking to more conservative approaches, while also dictating morality through state intervention.

Firstly then, it serves to examine the two clear strands of debate which emerged during the 1990s - the conservative communitarian project (see Etzioni, 1995) and radical communitarianism (see Jordan, 1998). The conservative communitarian project presented a need for the 'remoralisation' of society; the restoration of civic engagement; a foundation of moral values and the rebuilding of a sense of obligation, in order to recreate 'community'. This vision views the ideal community as homogenous and stable and assumes that it would have the resources with which to govern itself. Such a community would also be able to make use of measures to restore harmony through exposing, punishing and possibly removing, those who do not comply with shared moral values (Etzioni, 1995). These would require access to state-led resources, such as Neighbourhood Policing Teams who will act to maintain order (Reiner, 1992), and focus on the safety of law abiding citizens. This access would occur alongside the means of self-protection and situational crime prevention measures such as CCTV and burglar alarms (Clarke, 1997).

In addition, an acceptance of the legitimacy of the police service and of use of surveillance in the name of safety, enables civilian policing schemes such as Neighbourhood Watch to thrive (Johnston, 2001; Williams, 2005). These networks may be reinforced through residential associations, public meetings and forums, where signs of disorder such as anti-social behaviour can be reported and addressed. In addition, informal social controls seem to present a means by which to uphold the morals of civil society, to restore and maintain citizens' obligations to abide by these morals and to act decisively when they are breached. It is argued that Etzioni's notion of communitarianism is based on small town American ideal, with an emphasis on co-operation, reciprocity and the common good. However, the initiatives which sprung from this ethos were very much about control, an exclusionary 'shaming' of offenders and do not incorporate restorative or re-integrative approaches (Nellis, 2000).

The other strand of debate at this time, radical communitarianism, presents a view of community which is less about a nostalgic view of something which has been lost, and more about accepting the existence of numerous small-scale communities in any given location. In this perspective, there is an acknowledgment and tolerance of diversity of cultures and experiences, forming the basis for cohesion to embrace this and to navigate the views of different perspectives in achieving shared values and common goals of safety, security and positive interactions (Jordan, 1998). This perspective seems a better fit with the contemporary experiences of most citizens, especially those in urban environments, where diversity of citizens, circumstances, cultures and beliefs is the norm. Radical communitarianism reflects what Hughes (2007) refers to as the 'late modern realities of living together' (p.12), as represented by communities which are more mobile, where citizens are transient and free to move and are offered opportunities for consumerism and prospects for increasing wealth.

In the USA, Putnam (2000) suggested that a significant and detrimental impact on community cohesion occurs when citizens absolve themselves from their obligations to others, in the sense of freeing themselves from social responsibilities, instead looking toward meeting their own needs. In addition, in the UK, the undermining of cohesion communities is in part attributed to citizens making less use of public services and relying less on others for their welfare and well-being. This is manifested in increased car ownership, including multiple members of families having access to their own transport and paying for private healthcare and education (Demos 2002). There is an implication here that lack of wealth alone is not to blame for citizens' disengagement with community. However, it is argued that neo-liberalist economic priorities and structures have undermined participatory democracy and diminished citizens' sense of social responsibility. The accumulation of wealth, self-interest and for some, simply surviving day to day, is the priority and is therefore valued above the wellbeing of others (Hughes 2002; 2007). As these values have persisted and been reinforced, so to have the experiences of inequality for those living as the 'socially excluded' whereby both their ability and willingness to engage in the processes of social responsibility, obligation to others and democracy are limited. There are geographical areas in the UK in which we can observe the stark differences and impact of inequalities, but where there also may exist a common disregard or disassociation from the process of democracy and concern for others – whether due to having more



pressing needs, or simply, not valuing participating in local life, because they have no need to.

To offer some explanation for this process of disengagement where inequalities exist and citizens feel socially excluded, Young (1999) refers to 'city life' as impacting on citizens' psyche, describing the city as 'a place where there is a social withdrawal and disengagement which can easily boil over into hostility' (p168). To echo the work of the Riots, Communities and Victims Panel, (2012) in response to the August 2011 riots, Jefferson (2012) reiterates Young's concerns, and suggested a clear link to the impact of austerity measures in contributing to a 'renewed sense of crisis' (p17). Iris Young (1990, cited in Young, 1999) presented another perspective on city life, that it need not be viewed as eroding cohesion and a 'sense of community'. Instead, she suggests it can present a positive experience, offering stimulation, multi-cultural experiences, opportunities and prospects. Therefore, she argues for a redefining of 'community' in large cities as 'a form of social relations which I define as the being together of strangers' (p237).

There is an idealistic tone to this perspective, which may be the experience for some citizens whose basic needs are easily met and who can embrace the positives of a multicultural city life. However, within these urban conurbations are citizens with a very different experiences – marginalised due to class structures which deem certain parts of the city as only accessible to those who can afford it (Atkinson, 2015). However, Iris Young's view does perhaps offer a positive framing of globalisation, immigration and stimulation through change. This shifts the definition of community from the conservative communitarian ideal (Etzioni, 1995), harking back to an age of homogeneity and promotion of a distinct set of moral values, to more radical perspectives, which promote tolerance, accept difference and reflect realities of late-modern life (Jordan, 1998; Hughes 2007). These are important developments which need to be reflected in social policy, and for this study, the implications of these changes for community justice initiatives are examined in the next chapter.

For example, Jock Young (1999) proposes that to generate 'community', we need to consider what is possible and realistic, in an age of globalisation, rather than attempting to impose an idealistic definition of community. To do this, Young suggests

what is needed is 'distributive justice', i.e. transparent fairness and equality in justice and other spheres in order to develop trust and tolerance of differences among citizens. There is more clarity here on the link between 'community' and 'justice', the latter of which is examined in Chapter 3 (e.g. Rawls, 1971; Nellis, 2000), and again emphasises the need for policy makers to understand this interaction. Without this, Evans, et al (1996) suggest that cohesion and safety in communities becomes fragile and in some sense, an unrealistic goal. They also propose it is possible that instead of citizens coming together to deal with problems associated with crime, strong ties and networks can form *through* criminal activity, and exclude those who attempt to inform authorities. Young (1999) makes a distinction between 'low intensity communities' and 'transformative multi-culturalism', arguing the former demonstrates the change from traditional communities formed through workplaces and distinct sense of identity and the latter is a possible outcome of tackling relative deprivation and implementing distributive justice. However, the remedies for this are extensive, as presented by Fraser's (1997, cited in Young, 1999) typology of social intervention, which demands wholesale structural changes to address inequalities and a shift from traditional notions of identity to transform community life. This is described by Young (1999) as a 'robust social democracy.....with a developed sense of social citizenship' (p185). There are real concerns expressed about the sheer scale of change needed, where the notion of universal equality is unrealistic, due to the massive increase in public spending required and the fundamental shift in political will, attitudes regarding class and moving towards a meritocracy (Young, 1999).

Young presents this change as requiring a:

'new reflexive modernity which will tackle the problems of justice and community, of reward and individualism, which dwell at the heart of liberal democracy' (1999: 199).

In such a transformative and equal society, perhaps citizens' participation in local life and acceptance of community justice initiatives which prioritise a problem-solving approach over justice as retribution could occur. When residents feel safe and able to meet their needs, they have a vested interest in maintaining this, i.e. preventing crime, resolving neighbourhood disputes and potentially, through helping others be part of their safe, secure and prosperous community. Retribution becomes an act for the state

to deal with crime deemed serious enough to require this, and is potentially diminished, even for victims of crime and anti-social behaviour, as the default response. Problem-solving approaches maybe accepted and recognised for their transformative effect and their value in maintaining safety and preventing further conflict. Ledwith (2011) has also examined the transformative potential of social policies and argues that they can at best promise to mitigate against *low-level* threats to citizens' quality of life. She links this to the promise of empowerment of citizens to be part of the solution to problems, arguing that it needs to go beyond an individual state of mind and sense of obligation or responsibility. Such transformation must also take into account the broader structural conditions which hinder efforts for change.

This is reiterated by Salmon (2002) who argued that implementing policies and programmes within the remit of creating cohesion in communities is implausible in a climate of conflicting interests, inequalities and poor conditions for citizens living in more deprived areas. Social trends would indicate that a reliance on market conditions to create equality is futile and yet these policies and systems remain, with little to challenge their prominence (*ibid*). The specific implications of these issues for community justice are examined in more detail in Chapter 3, given the stated aims of these approaches and the challenges they face, and the social and economic conditions in which they operate.

In light of these problems and the implications for the implementation of community justice initiatives, it is suggested that there needs to be a shift from attempting to create fully integrated cohesive communities, towards acknowledging the existence of diverse neighbourhoods which are 'culturally heterogeneous' (Amin, 2002:972). If social cohesion and community safety in a diverse society must better embrace and promote tolerance of differences in values and beliefs (Temple and Moran, 2005), then there are some fundamental, much broader issues to address. They will continue to impede attempts at community engagement, meaning there will always be a limit to those who benefit from and embrace such initiatives. In addition, Hancock (2001) attributes the inequalities in housing provision as also due to some communities experiencing overall neighbourhood decline, especially when they have faced a loss of local manufacturing industries. All too often, more attention has been paid to the growth of service industries and new technologies, often located in larger cities which

can accommodate such enterprises, and a key feature of the prosperity of the south east (Hancock, 2008). In addition, the historical legacy of housing policy can be traced to the ideology of the Thatcher government (1979-1990), who were accused of holding onto resources, especially for Labour controlled authorities, to reduce spending in areas such as housing, education and transport (Duncan and Goodwin 1988).

In the mid-1990s, initiatives which aimed to address inequalities and a lack of cohesion in communities were developed, focusing on crime prevention initiatives (Donnison, 1995). They aimed to bring about a sense of community through instilling responsibility in citizens to help prevent crime, to enable local authorities to attract commercial enterprises, in places which could promise safety and security. However, Balchin (1995) observed that during this time, alongside the claims of community justice/safety agenda, the investment into the wider regeneration of many communities was halted, rents increased and living standards declined. This was evident in increased private home ownership, including selling of social housing stock, and promoting ownership as a form of investment, not just accommodation.

Echoing the concerns about the erosion of participation in local life (Putnam 2000), and specifically, how economic inequalities have exacerbated this (Demos 2002, Hughes, 2007), Dorling and Rees (2003) conducted a study using census data from the 1990s through to 2011. They found evidence of continuing social polarisation and geographical segregation, which was attributed to inequalities in access to higher education and job opportunities (specifically in the north of England where manufacturing and industry have declined). This has occurred despite the re-focus on welfare provision with the advent of the New Labour government and lower overall unemployment. This study again highlighted how inequalities in income are manifest among the wealthy in the forms of families who are able to access private education, health and security, to 'pay for their home to be apart from other people, for their children to be educated apart, or for their health to be repaired apart' (Dorling and Rees, 2003: 1289), leading to increased social division. More recently, this trend is clearly demonstrated in the concerns about the marketization of services in higher education and criminal justice policy (Lynch 2006; Corcoran, 2012).

It seems then that lessons from the experiences of the privatisation of housing provision have not been learned, as inequalities mean significant numbers of citizens remain 'socially and spatially' trapped (Hughes, 2007). In cities, for those in deprived areas, community life continues to be an experience dominated by struggle (Young, J. 1999), rather than opportunity and stimulation (Young, I. 1990). Furthermore, Hope (2007) also examined long established concerns about the concentration of crime in areas of poverty and disadvantage, citing figures from British Crime Surveys (now the Crime Survey for England and Wales). These surveys, while perhaps limited in providing a full assessment of criminal activity and not inclusive of anti-social behaviour, do provide some insight into trends and patterns which demonstrate the link between sustained poverty and crime, as indicated by victims' experiences of this and as a contributory factor in the act of offending. Hope (*ibid*) noted the characteristics present in communities with high levels of crime, as being an overall lack of income and investment, large proportion of citizens in rented accommodation, a high proportion of young people in lone parent households, single person households and higher rates of victimisation.

To further develop the strands of debate within communitarian theories and embracing the radical perspectives of the need to accept differences and diversity, Hopkins-Burke (2014) presented a framework for a 'radical moral communitarianism.' This perspective emphasises the need for balance between citizens' rights and responsibilities, in order to develop a 'consensual interdependency', including all citizens and committing to a form of social contract. Hopkins-Burke (*ibid*) proposes that the rights and needs of citizens which need to be met are having adequate income, affordable and good quality housing, being treated fairly by the state, having access to good quality healthcare, education and prospects for employment, and to be protected from victimisation from crime and anti-social behaviour. In meeting these rights, local state organisations would then be able to expect that citizens to fulfil obligations and responsibilities, such as taking up employment opportunities, being a good neighbour, not engaging in anti-social or criminal behaviour, treating others fairly and not discriminating against them, maintaining their health and engaging in opportunities for education and training. This analysis also acknowledges the need for a re-distribution of resources and justice as proposed by Fraser (1997) and Young (1999), in order for the state to be able to expect citizens' taking responsibility for their

health, the wellbeing of others, and to embrace opportunity and tolerance of diversity. It is perhaps assumed here that getting this balance right may reduce the likelihood of problems such as crime and anti-social behaviour occurring, but that when they do, citizens are more able and willing to engage in the process of dealing with of this.

Clearly, presenting a definition of 'community' is a complex undertaking. Although there is some consensus in categorising distinct geographical locations as deprived or prosperous communities, offering a clear assessment of a community as 'cohesive' is not as straightforward. The levels of diversity in culture, income and wealth, experiences and access to amenities to deal with issues such crime and disorder, education provision and housing all affect citizens' experiences of 'community'. This then affects their perception of their responsibilities to others. More contemporary representations of 'community' such as Hopkins-Burke's (2014) 'radical moral communitarianism' presents community as a place in which governments must acknowledge the need for income equality and meeting citizens' needs as 'rights', in order to create cohesion, and enable reciprocal relationships between citizens and the state. To ask citizens to engage with their local community, in whatever policy guise this is presented, requires reciprocal efforts by government to enable this and meet basic needs, as opposed to trying to impose community spirit on those either struggling to survive, or who have disengaged due to not requiring or desiring state support. While instilling a sense of obligation and social responsibility cannot be guaranteed even among those whose basic needs are met or exceeded, it certainly seems to be the case that not even attempting to do this will guarantee disengagement from local life. The trends in policy making towards local governance and the desire to engage citizens and instil a sense of social and individual responsibility, is discussed in the next section. This is based primarily on the work of Garland (2001) and Skinns (2007), in order to examine in more detail, the additional challenges this presents to policy making, particularly that which requires engagement from citizens.

## **2.5 Developing 'responsibility' in community safety**

The issue of responsibility is examined here as part of the formal processes and requirements of stakeholders involved in formal crime and disorder partnerships, and the responsibility placed on citizens by government. This discussion will examine the

challenges of placing responsibility as part of formal arrangements to solve specific problems. It will also discuss what is meant by a general call to 'community leaders' and citizens, as presented in policies such as 'active citizenship' and the 'Big Society'. This was a clear feature in the response by ministers in the aftermath of the August 2011 riots (Cabinet Office, 2011; Riots and Communities Victims Panel, 2012). Garland's (2001) concept of 'responsibilisation' refers to governance at a local level, where responsibility for community safety is devolved in part to its citizens, as found in crime prevention initiatives and those addressing anti-social behaviour. For Garland, it is also a mechanism by which the state has widened its net of control through new legislation and criminalisation of a range of deviant behaviours (*ibid*). If we are to take increasing prison populations as indicative of the continued focus on control and punishment in criminal justice policy, along with recent increases in sanctions for those accessing welfare (e.g. Watts et al, 2014), it is difficult to see here any genuine attempts to prevent re-offending, or to deal with crime as problem to be solved.

To give some context to Garland's (2001) work on responsibility and determining the governance of crime at a local level, it is important consider those perspectives which suggest that crime and deviance is an inevitable function of society (e.g. Durkheim, 1895; Merton, 1938). Garland (*ibid*) discussed this in the context that crime and anti-social behaviour is to be managed through processes of managerialism, neo-liberalism and communitarianism. This was manifest in New Labour's 'Third Way' ideology, which embraced the neo-liberal agenda to include the private sector as part of the 'market of corrections' (Crawford, 1997; Giddens, 1998; Corcoran, 2012). The Carter Review (2003) consolidated this approach and led to the creation of the National Offender Management Service (NOMS). There was also a recommendation for more formal inclusion of the third sector in the management of offenders, victims and community safety agendas (Allen, 2004). During this time, came the devolution of power to local probation trusts and police services, to give them the autonomy to decide how to meet their targets, to provide more choice and face fewer restrictions on who could be involved in addressing crime and justice (Garland, 2001). Therefore, there was a continuing ethos of control and a punitive law and order response to crime, which occurred alongside devolving responsibility more locally and encouraging partnerships between the public, private and third sectors to deliver justice. However,

since then, the coalition government of 2010 introduced different arrangements where broader decisions about the commissioning of services and determining responsibilities were taken back to central control.

The House of Commons Justice Committee (2011) examined the role of the probation service and the implementation of community justice initiatives. They recommended that community safety partnerships needed to undertake statutory responsibility for commissioning resources and contracts to reduce re-offending, under the provisions of the new Policing and Crime Act 2009. As a precursor to the Transforming Rehabilitation Agenda, implemented in 2015, the National Offender Management Service was directed to utilise competition to increase cost effectiveness in service delivery, and to commission services as part of its role in managing prisons and probation services. It seemed then that effectiveness and efficiency, central to the managerialist ethos, was embedded in criminal justice policy as part of New Labour's Third Way Agenda (McLaughlin et al, 2001). This occurred alongside concerns about tailoring approaches to crime and anti-social behaviour to reflect consultation with citizens.

Given these changes and the shift between local and central control and responsibility, it is useful to examine Skinns' (2007) research into Crime and Disorder Reduction Partnerships (CDRPs). This study examined CDRPs, in the context of Garland's (2001) responsibilisation thesis. A key theme from the research emphasised the challenges of partnership working, where there is a sharing of responsibility for dealing with local crime problems. One aspect of this was an assumption of leadership by the police and local authority, with the 'community voice' limited in setting priorities and determining solutions (*ibid*). The research also revealed tensions between the demands of central government, local government and needs of the community. This was manifest in terms of financing initiatives and the differing views on who was responsible for dealing with crime and disorder, whether defined as low-level or serious offending. The continuing 'culture of control' in criminal justice policy meant the ideal of local participatory democracy in decisions as to how to resolve crime and disorder will struggle to assert itself. If citizens' sense of justice remains enshrined in policies, which promise a reduction in risk of harm, protection for the public, and



retributive and deterrent sentencing practices, then this seems to place responsibility firmly on the state.

Garland (2001) and Skinns (2007) work also offers an opportunity to examine where responsibility lies for individual and community wide safety, as a means to also understand the relationship between citizens and the state. CDRPs present an example of what Garland (2001) refers to as rhetoric of devolving governance to local authorities, rather than reality where central government maintains a dominant role in community safety and criminal justice policy. With the advent of the New Labour government, there was a move towards formalising partnership working and bringing clarity to the question of responsibility for crime. This was introduced with the Crime and Disorder Act (1998), demonstrated by a range of multi-agency working arrangements to address youth crime (Youth Offending Teams), substance misuse (Drug and Alcohol Action Teams), domestic abuse (Multi-agency Risk Assessment Conference) and the management of high risk offenders (Multi-agency Public Protection Arrangements) (Pycroft and Hough 2010).

From the formalisation of the partnerships between the police and local authorities, these arrangements involved agencies across the CJS, and in other areas of social policy such as healthcare, education and social services. Garland (2001) emphasised the need for the sharing of responsibility to address crime, to also include non-state individual actors and organisations, in both prevention of crime and of re-offending. Legislation reflected this development, as alongside the Crime and Disorder Act (1998) came the Police Reform Act in 2002 which further embedded partnership working at the core of criminal justice policy in England and Wales, as well as introducing the new role of Police Community Support Officers (PCSOs) to build a bridge between the public and the police (Rowe, 2008). This built on lessons learned from initiatives such as 'Safer Cities' in the 1980s and the Morgan Report (1991), which highlighted the detrimental effects of the CJS working in silos. The sporadic examples of good practice in partnership working presented a rationale for standardising formal arrangements such as CDRPs, which also aimed to enhance community spirit by giving citizens a voice in ensuring their safety and security. Again, we see here an attempt to create 'community' as represented by a spirit of obligation and responsibility

to each other, working with state agencies and using partnerships to form networks, all in the remit of community safety and local governance.

In addition, the rhetoric Garland refers to is the language used to formalise partnership and multi-agency working to deal with local crime and disorder, such as 'community', as it has a 'feel-good factor' (Hughes, 2007). More recently, 'community engagement' reflects policies which are deemed to make an extra effort to include local residents in decisions about policing priorities, mediation to solve conflicts and initiatives to promote crime prevention strategies, as all part of the community safety agenda (Hughes, 2007). Politically, CDRPs and other forms of multi-agency working mean it is necessary to understand the relationship between citizens and the state, as described by Edwards et al (2002) as various forms of governance in the community, as a place in which crime and anti-social behaviour occurs and must be dealt with. We see here a representation of the Foucauldian notion of the 'dispersal of social control' especially in the blurring of boundaries between state and non-state organisations in managing crime and disorder (Cohen, 1985). This occurs under the guise of enhancing community spirit and quality of life for local residents.

In a more contemporary analysis, Skinns (2007) refers to this as the 'tentacles of the state reach(ing) deeper and deeper into the social fabric, resulting in a more powerful state' (p.4). There is a clear example here of the local authorities and central government attempting to combine the implementation of formal social controls over citizens, as a necessary precondition of maintaining their safety, along with calls for engagement from citizens to solve problems in their community. It is useful to consider here Hopkins-Burke's (2014) radical moral communitarianism thesis, which proposes that citizens' rights and needs must be met, in exchange for them taking responsibility for their safety and that of others. This presents a challenge, given that criminal justice policy is dominated by policies which advocate formal social controls and can become oppressive, discriminatory and actually undermine citizens' rights, rather than allowing them to be part of the solution.

It would seem according to Skinns' (2007) research, that CDRPs enabled the creeping commodification of community safety and security, to allow the private sector to be at the vanguard of embracing robust responses to crime, while also promising to be

efficient and effective. Skinns (*ibid*) also argues that the evolution of multi-sector engagement in crime and justice at a local level is indicative of the disengagement of citizens with this aspect of participatory democracy. Prior to Skinns' research on CDRPS, McLaughlin and Hughes (2002) examined experiences of community safety in the UK, in light of the shift towards partnership working within a CJS focusing on control, risk and efficiency in the use of resources. They cite the aims of community safety as reaching far beyond that of the CJS (with prosecution, punishment and a sense of justice as the core functions), to include addressing the fear of crime, prevention, reducing the risks of harm and restoring relationships and communities which have been harmed. In addition, going back to Garland's (2001) work on community safety, it was clear this was focusing on these aims at a local level, rather than a standardised approach, meaning the response to crime and disorder is characterised by both:

'Visible crime control strategies .... accompanied by patient, ongoing, low-key efforts to build up the internal controls of neighbourhoods and to encourage communities to police themselves' (Garland, 2001: 17).

Those working in the field of crime and justice are no longer just the law enforcers, offender managers or legal professionals, but now include specialists working in community safety teams, health services, social services and youth workers, all working with victims, offenders and local citizens. This widening of the net in terms of professionals and practitioners involved in crime and justice also includes citizens who volunteering their time as part of third sector involvement, such as local residents participating in civilian policing schemes and, private sector employees. This also raises the issue as to how to maintain 'patient and ongoing' strategies (*ibid*), in an area of criminal justice policy in which the goals and aims seem to shift with changes in public opinion, media representations and local and central governance. The setting for community justice itself also demonstrates how the line can be crossed so that visible signs of safety make way for more repressive and discriminatory forms of control, as a response to 'hot spots' of criminal activity or fears expressed by citizens and tensions between different groups within a community. This issue of the instability and uncertainty which seems to characterise exactly what it is community justice aims to achieve is examined further in Chapter 3.

Taking these concerns back to the debates about how we understand 'community' it is clear within distinct geographical locations, there exist different interests, cultures, beliefs and identities. These differences will challenge the notion of a consensus of views, such as how to address problems, or levels of trust where working together is sustainable and effective (Faulkner 2003; Hughes, 2007; Shapland 2008). Community governance and partnership working are tested by crime and justice issues because of the potential for blaming and the emotions associated with wanting 'justice' to be done. For those developing policy founded in the existence of community as represented by trust and consensus, the destabilising effects of crime and anti-social behaviour should not be underestimated. Restoring harmony and repairing harms requires investment by both the aggrieved and the perpetrators. This has the potential to create trust, consensus and seeking what is best for all, but could be superseded by the need for justice to be done, for some form of punishment and recompense to occur before anything else. Therefore, it is important to examine the roles of collective efficacy and active citizenship as foundations for policies aiming to deal with the impact of crime and disorder and encourage citizens to continue to take responsibility for their community and its safety, in light of the potentially divisive effects of crime and anti-social behaviour.

## **2.6 Collective efficacy and active citizenship**

Halpern (2001) refers to the resources within a community, which enable residents to prevent crime and develop relationships of trust and respect, as 'collective efficacy.' A policy example of this is found in civilian policing schemes, where a research study from the USA found that participation in the scheme helped to reduce fear of crime and had a positive effect on raising residents' satisfaction with their community (Silverman and della-Giustina, 2001). It is also suggested that this has a positive overall effect on citizens' quality of life, when it occurs alongside situational crime prevention strategies, and is even cited as an example of social capital in action (Green et al, 2000). There are parallels between collective efficacy and other theories which denote what is required for citizens to unite and work together to create a cohesive community, such as social cohesion and social capital theory. Most notably, that trust and respect are needed, to shore up reciprocal relationships between citizens and between citizens and the state. Much like Faulkner's (2003) proposition

that 'community' requires consensus on mutual obligations and respect, collective efficacy, as a mechanism to address the problem of crime and anti-social behaviour, needs consensus on what the problem is and how to tackle it.

However, to focus on the use of target hardening measures, such as home security locks and alarms as a means to generate collective efficacy, or social capital, is an odd proposition. There are obvious ways in which it can be exclusionary, especially for those who do not wish to, or cannot adopt these methods to preserve safety and security. The claims of a sense of community generated by using situational crime prevention methods as a form of social capital (Green et al, 2000) appears to align more to the attitude of protectionism and a desire for the removal of risk of being affected by crime and anti-social behaviour. Taking situational crime prevention and community safety measures as a practical response to the level of 'fortress living' (Cohen, 1985: 201) seems more likely to be a barrier to creating trust and reciprocal relationships among citizens.

The similarities between collective efficacy, social cohesion and social capital are evident, which is not surprising, given that it was developed in the USA to describe the process of galvanising citizens into action against harms, to 'intervene on behalf of the common good' (Sampson, et al, 1997:918). This seems to dictate the conditions required for a good quality of life in any given community and then proposes that citizens take on the responsibility for maintaining this, through intolerance of minor infractions of the law. However, while these theories offer a framework for engaging citizens in maintaining safety and appealing to their sense of obligation to others, there are barriers to both instilling and maintaining this climate of reciprocity. Structural inequalities create situations for individuals whose basic needs are not being met and who therefore have other priorities (Hopkins-Burke, 2014). In addition, the disruptive effects of crime and anti-social behaviour on engagement with 'community' need to also be acknowledged (Young, 1999; Johnston, 2001; Williams 2005).

To apply this process of using policy to engage citizens and create a sense of community in the UK, we can examine the introduction by New Labour of 'active citizenship' as part of their agenda on civil renewal. This was described as 'the centrepiece of the government's reform agenda for the coming years' (Blunkett,

2003a:1). It incorporated a reform of public services to tackle social exclusion, along with encouraging active citizenship in the form of firming up partnerships between citizens, the state and others. These policies (some of which were implemented prior to the civil renewal agenda) included initiatives such as Sure Start, the New Deal for Communities, Connexions, the introduction of the Social Exclusion Unit within the Office of the Deputy Prime Minister and a commitment to tackling racial inequalities. As with collective efficacy, active citizenship in the form of citizens participating in community policing initiatives has been found to reduce fear of crime and enhance residents' ability and willingness to engage with preventative measures (Johnston, 2001; Vacha and McLaughlin, 2000).

To better understand this process, it is also useful to examine some of the definitions of citizenship, which encompass the ways in which people understand their rights, expectations, duties and responsibilities to each other, to their community and the state. Citizenship is argued to be based on principles of equal values and shared norms regardless of 'race', gender, religion, disability and differences in status (Faulkner 2003). Therefore, citizens should have the means to address problems without unnecessary or disproportionate state intervention, and the opportunity to voice their concerns on issues, which affect them or their community (*ibid*). Citizenship also requires that all groups experience a sense of belonging in wider society, this is especially important for socially disadvantaged groups (Parekh, 2002). These definitions could be seen as an ideal of citizenship, in much the same way as 'community' has been defined, where external and structural influence could have a significant bearing on citizens being able to reach consensus, meet obligations to each other and help those more in need.

Some would also view this as too tolerant of those groups who are not legally defined as citizens based on their nationality, who may not share the same prescribed and accepted values and culture, which dominates in a given geographical location (Scruton, 2002). This latter point raises the issue of immigration, specifically the integration of immigrant populations. They are all too often the target of citizens' fears as demonstrated in debates raised by the vote to leave the European Union (EU), the rise of the United Kingdom Independence Party (UKIP) and far right groups such as the English Defence League (EDL) (Winlow, et al, 2017). An important aspect of

Winlow et al's analysis of the shift to the far right is that it is very much a symptom of persistent inequalities and deprivation in communities where employment has become less secure, where citizens have been persuaded to blame incoming and established immigrants. This insecurity, manifest in temporary contracts and zero-contract employment marks a distinct change in fortunes for those in working class jobs where wages were secure, jobs were for life and industries propped up whole communities (see the experience of residents in Middlesbrough in Chapter 5).

The very different experiences of citizens can also mean there are differences in citizens' acceptance of state intervention and authority, and therefore their legitimacy in enforcing laws and attempting to make communities safer. Citizens need to have a sense of social responsibility but also need to view the rules of law enforced by the state as legitimate (Beetham, 1991, cited in Faulkner, 2003; Bottoms, 2002; Tyler and Huo, 2002). A lack of this in state-led criminal justice agencies presents an obstacle for those attempting to engage citizens and to co-operate and work with such agencies. This can stem from both feeling marginalised or by experiencing over exposure to state authorities, in other words feeling over-policed by stop and search operations (Phillips and Bowling, 2003; Souhami et al, 2005) and under-protected as victims (Brunson and Miller, 2006). This further emphasises the need to consider how emotional reactions to crime and experiences of the CJS impact on attempts to engage citizens to work in partnership with the state. This could be impeded by lack of confidence in the CJS to act, or a de-legitimisation of authority through acts of injustice, as well as the emotions which arise as a result of direct victimisation and of feeling discriminated and excluded.

Research into active citizenship in the form of civilian policing schemes has revealed the lack of regulation in place to manage these schemes, leading to a potential for what Johnston (2001) refers to as 'alternative modes of "autonomous" citizenship.....typically in the form of vigilantism' (pp.7–8). The extent to which citizens have the means and ability to govern themselves with minimal state intervention can vary. Therefore, such approaches have the potential to undermine the legitimacy of the state in those circumstances when citizens view themselves as more effective than state agencies in addressing social problems (Williams, 2005). In addition, continued exclusion from active citizenship and civic engagement legitimised and led by the state

among some groups may result in them resorting to their own means to deal with crime. For example, employing un-regulated 'private' policing organisations whose tactics are legally dubious (Sharp et al, 2008), and only available to those who can afford it (Demos 2002; Dorling and Rees 2003). However, others emphasise it is important not to dismiss the potential 'therapeutic' qualities of community justice measures such as Neighbourhood Watch in constructing co-operation with agencies such as the police, placing greater responsibility among citizens, reducing risk and improving safety and implementing informal social controls (Lacey and Zedner, 1995). These different perspectives on the risks and potential successes of civilian policing schemes demonstrate the need to understand their experiences of community life which motivate them to engage. This also could determine if the policy leads to engagement which is sustainable and will help maintain safety for all, and therefore, reach its potential as a transformative and therapeutic.

An interesting study conducted in the USA, examined the issue of participation in local democracy, and how this is hindered by crime and disorder. Michener (2013) based her work on a similar premise to that of the 'broken windows thesis' (Wilson and Kelling, 1982), famously adopted to justify zero-tolerance policing in New York City, and attributed to a fall in crime in the 1990s. There is much to critique about the thesis and its claims to have been the basis for policy which reduced crime, not least the methodological critique that the thesis was developed through anecdotal rather than empirical evidence, and that there were other reasons for the decline in crime (e.g. Bowling, 1999; Harcourt, 2001). However, Michener's (2013) work proposed that the approaches to policing New York City also had a broader impact on the community, in the form of engaging citizens to work with local authorities to solve problems. She argues that to understand the impact of crime and disorder on levels of participation, two key issues must be understood, the environmental conditions and how those conditions are perceived and tolerated by citizens. She relates these perceptions directly to the willingness to participate in local politics, when they perceive a clear need and have capacity to address it, but there is a clear tipping point - where deprivation can be at such a high level that it leads to hopelessness and apathy. Just as crime control and citizen engagement can cross a fine line, it seems in any given location, levels of deprivation, crime and anti-social behaviour, can also shift to



adversely impact citizens' willingness to work with the state, to be part of the solution to the problems they observe.

Michener's (*ibid*) research demonstrates how perceptions of disorder have a significant influence on disengaging citizens, and therefore, emphasizes the need for policy makers to recognise this. In addition, it emphasises the need to acknowledge the impact of external and structural factors, which can affect engagement on a local level, and the desire to be part of regeneration and renewal efforts. Michener's research is complemented by that of Lerman and Weaver (2014) who found that rather than improving relationships between the state and citizens through the promise of keeping them safe, zero-tolerance policing approaches actually generated hostile relations between the police and citizens, which was then extended to other government agencies. The negative interactions with the police led to what Brunson and Miller (2006) have referred to as 'legal cynicism', where those who feel over-policed and under-protected de-legitimise the authority of the CJS as a whole. This once again reminds us of the significance of understanding the emotions generated by crime and anti-social behaviour, and the potential this has for creating division in communities. Lerman and Weaver (2014) refer in their research to crime control policies and practice which impact on community relations and therefore the capacity for citizens to form networks and generate trust and consensus. In the UK, similar studies have highlighted the potential for harm to police/community relations in the use of stop and search practices, not only for those experiencing this practice, but also as having a much broader negative impact, by contributing to divisions and tensions in communities (e.g. Miller et al, 2001; Bowling and Phillips, 2007; Quinton, 2011).

Miller et al (2001) suggested changes to practice, such as using stop and searches in a more targeted way, to address local problems, which are of clear concern to citizens, while ensuring there is not an over-use. They also make a clear distinction between stops, to gather intelligence, and searches, which are clearly more invasive. Policing at a community level is examined in more detail in the next chapter, but this assessment of stop and search does present another example of the risks associated with imposing controls on citizens and the community in which they live. From the perspective of 'collective efficacy' (Halpern, 2001; Silverman and della Guistina, 2001) and 'active citizenship' (Blunkett, 2003a; Faulkner, 2003), these methods can pose a

risk to partnerships between citizens and the police, if the experience of policing is considered to be intrusive and oppressive, rather than a reassuring presence.

In whatever way policies which embrace collective efficacy and active citizenship are labelled, they are often implemented alongside policy makers and politicians resorting to crime control methods. Cohen (1985) suggests that citizens accept this because crime is such a violation, that they will accept restrictions on their daily life in the name of safety. The sheer volume of legislation under the New Labour government to police and respond to anti-social behaviour shows this clearly (e.g. Squires, 2006). This has also occurred with an increase in the use of situational crime prevention methods, in the form of domestic products and in the employment of private security arrangements (Loader, 1999; Sharp and Wilson, 2000). If, as suggested by Green et al (2000), situational crime prevention is aligned with creating trust among citizens, those who are excluded from accessing this resource are by definition, not part of the consensus view of their community. In such places, it is difficult to see how Neighbourhood Watch schemes could offer therapeutic benefits (Lacey and Zedner, 1995), in communities where stop and search tactics, which create tensions and expose discrimination by the local police service (Bowling and Phillips, 2007). Therefore, citizens' acceptance of crime control and justice which promises to deter offenders and seek retribution for victims perhaps needs to be better understood. This therefore warrants an examination of community justice policies, which seek to transform accepted notions of justice and reduce crime and re-offending, which also requests that citizens work with the state and assume some level of responsibility for their safety.

## **2.7 Summary and conclusions**

The aim of this chapter was to examine how 'community' is understood and applied in social policy. Given that it is used as a 'feel good' term (Hughes, 2007) and its application to policy has generated meanings beyond its everyday use (Mair, 1995), there is a clear rationale to examine how this has occurred, and why it continues. Definitions of community have offered typology relating to geography, political interests and attachment to place and people (Willmott, 1987). They also subscribe to community as a form of unity as a shared response to adversity (Shapland, 2008), and a sense of respect and obligation to others (Faulkner 2003). Others have presented

community as a 'social utopia' to aspire to which enables citizens to maintain their safety and quality of life (White, 2003), even in the face of the disruptive effects of crime (Cohen, 1985) and broader structural inequalities (Young, 1999; Hughes, 2007). However, given the range of experiences of 'community' and broader influences on this, it is clear why it is critiqued for having a resonance beyond its actual meaning (Mair, 1995), which is adopted politically, despite it being a vague and easily contested foundation for social policy (Pease, 1994; Hughes and Rowe 2007).

Despite these issues, the use of 'community' in social policy persists, not only by those defining geographical wards for example, areas to be served by 'community courts' (see Llewelyn-Thomas and Prior, 2007; Mair and Millings, 2011), or Neighbourhood Policing Teams (Innes, 2006; Quinton and Morris, 2008), but also as a means to generate feelings of unity, obligation to others and reciprocal relationships with the state (Faulkner, 2003; Hughes 2007; Wolf, 2007). The emphasis on geographical boundaries suggested by Willmott (1987) as a basis for defining community could be argued to be a useful starting point, but perhaps also denotes this as the limitation of this term in policy making. However, given that 'community' is also used in policy making to describe aims which promise to generate citizen engagement, and the 'spirit' of community by addressing social problems, it warrants further exploration. The fact that this approach in policy making persists, despite the concerns raised about the feasibility and capacity for social policies to fix the problems created by broader structural inequalities and changing political ideology. As well as being used to define geographical boundaries, the socio-economic conditions of these areas are used as criteria to define them as deprived and therefore in need of intervention. For example, the 39 areas chosen for the New Deal for Communities regeneration scheme (Ledwith, 2011) and the 10 areas chosen for piloting the community court model (Bowen and Whitehead, 2013). However, by virtue of being identified as in 'need', such communities are also labelled as problematic, and therefore requiring intervention in the form of formal social controls, with less attention paid to generating working partnerships, trust between citizens and reciprocity (Crawford, 1997; Hancock, 2001; Hughes and Rowe, 2007).

It is clear that incidences of public disorder, can disrupt feelings of safety and belonging (ODPM, 2004; Cantle, 2001), but it is also proposed that in the aftermath of

such events, they can bring citizens together, as a form of solidarity against harm (Mead, 1918; Shapland, 2008; Riots, Communities and Victims Panel, 2012). However, as this response must also be about the process of justice, and how that is managed, here we see a shift from an ethos of unity, to one of condemnation and retributive acts. New Labour promoted communitarianism as a foundation for social policy as part of their 'third way' ideology, with the state to act as an enabler, and to promote initiatives such as active citizenship (Giddens, 1998; Blair, 1998). David Cameron's 'Big Society' seemed to embrace this promotion of citizens and the state working together but this was presented also as a way to compensate for reductions in public spending (Alcock, 2012). Both approaches, while representing shifting political ideologies in the extent of state intervention and responsibility placed on citizens, were promoted by governments which embraced economic systems in which persistent inequalities exist (Ledwith, 2011). This again emphasises the limitations of policy aimed at generating 'community' in areas where structural inequalities mean communities will continue to experience problems with adequate and stable housing, prospects for employment and access to healthcare, as well as crime and anti-social behaviour.

The political will to deal with crime and deliver different forms of justice, such as restorative approaches was further diminished when New Labour delivered tough law and order rhetoric to address anti-social behaviour, as a problem which affected many citizens on a daily basis (Donoghue, 2008). The political appeal of unifying citizens when crime occurs seems to all too often be superseded by governments across the political spectrum who will instead, respond to demands for justice to be done, to be tough and therefore, effective. Garland's (2001) responsibilisation thesis and Skinn's (2007) work on the role of Crime and Disorder Reduction Partnerships suggests there may be more success in engaging citizens to prevent low-level crime, such as civilian policing schemes, and this could extend to making use of restorative justice. The obvious limitation here, that engagement will depend on the seriousness of the offence, is subject to differing perceptions of harm caused, who is to blame, as well as the other issues associated with the type of community and access to resources and support which citizens have. We can see both the engagement of citizens and state acting as punisher in the aftermath of the August 2011 riots, where 'riot wombles' and 'twisted thugs' occupied the same space. This occurred alongside an ethos in the

conservative and liberal democrat coalition of condemnation of the 'thugs', with little reference to the responsibility of the state who had not acted to deal with persistent inequalities (Ledwith, 2011).

Social capital and social cohesion have been adopted to offer a framework by which to create unity among citizens, as a form of solidarity (Mead, 1918) or a resource, in the form of capital to access when needed (Coleman, 1990; Putnam 2000). This has been supported by evidence of the potential therapeutic effects on citizens' quality of life when policies enable them to work productively with the state to address problems (Lacey and Zedner, 1995; Shapland, 2008; Donoghue 2014). The characteristics of a cohesive community and a place in which social capital exists share some similarities. This includes the existence of trust between local citizens and outward toward state organisations, a climate of reciprocity and obligation to others and places where citizens are able to embrace this, and benefit from it. In addition, a key characteristic associated with social cohesion is stability, represented by secure employment, long term occupation of housing which creates a sense of familiarity and opportunity for regular informal interactions (White 2003; ODPM, 2004; Rai 2008). However, given that there are communities blighted by physical signs of deprivation and decay, populated by residents who are 'socially trapped' (Hughes, 2007) and facing persistent inequalities (Hancock, 2001; 2008), it is clear creating cohesion and implementing policy to generate social capital, will be particularly challenging.

Social capital theory adopts terms and concepts, which align with social cohesion and definitions of community, such as solidarity, mutuality and collective responses to problems (Leonard and Onyx, 2007). Durkheim (1894) even referred to a reaction to crime and deviance as enabling the reinforcement of moral values and generating attachments through the 'conscience collective' (Durkheim, 1894). This was reiterated by Shapland's (2008) proposition that unity can arise in response to trauma. However, the processes of justice for acts which violate the law, and also those which are labelled 'anti-social', are predominantly placed with local state authorities, meaning justice is taken out of the hands of a collective response by citizens (Cotterell, 1999). The ONS (2007) definition of social capital also presents a profile of a place in which a network of relationships and support means problems can be overcome, where the 'social energy, community spirit.....extended friendships and good neighbourliness'

(p.7), can create a place in which inequalities in wealth, prospects and opportunity are diminished. An extensive study by Foley and Edwards (1997) which examined structural perspectives in relation to social capital revealed how little impact trust had on their view of their community, compared to them having access to resources and opportunities. This aligns with more contemporary views of 'community' where a diversity of experiences occur (Parekh, 2000) but also where assuming that obligations to others can be generated before meeting the basic rights and needs of citizens is short-sighted (Hopkins-Burke, 2014).

Conservative communitarian theorists have presented 'community' as represented by bonds between citizens, along with equality and consensus of views (e.g. Etzioni, 1995). Radical communitarians have acknowledged how structural factors and social change now mean there are more diverse experiences of community (Jordan, 1998; Fraser, 1997; Young 1999; Parekh 2000), which need to be embraced. The former demands a 'remoralisation' of society, as a somewhat nostalgic aspiration, but one which is also described as exclusionary. The implications for the response to crime places conservative communitarian perspectives firmly in the camp of crime control and shaming of offenders to uphold moral values, dismissing more restorative or re-integrative notions of justice (Nellis, 2000). More recent concerns about the experience of 'community' are raised by Jefferson (2012) linking austerity to a sense of crisis for those living in urban areas, where withdrawal and disengagement can escalate to hostility. Yet, it is proposed that this need not be an inevitable outcome, as cities can be a place where citizens experience positive aspects of multi-culturalism, stimulation and choice (Young, I., 1990).

However, the increasing inequalities in cities where basic needs such as housing are beyond the reach of so many (Atkinson, 2015) mean this positive re-framing of city life is difficult to imagine. Radical perspectives do at least acknowledge the diversity of experience of community and attempt to find ways to enable adaption to this, rather than demanding citizens simply behave differently, to create the cohesive community of the past. The realities of late modern life (Hughes 2007) presents implications for social policy purporting to engage the disengaged and improve the quality of life for citizens, which for Young (1999) requires distributive justice approach, to create transparency and equality. This radical approach needs change on a huge scale, to

economic systems and to political ideology in order for more transformative forms of justice to work, especially if they are also to engage citizens in these processes. Without this, the potential for social policy to transform lives will be limited to low-level threats and problems or will be perceived as ineffective and tokenistic (Salmon, 2002; Burton, 2003; Ledwith, 2011). The next chapter will take into account the debates about how community is understood and the different experiences of this as context for an examination of community justice, as represented by neighbourhood policing, restorative practice and community courts.

### **3: DOING JUSTICE IN THE COMMUNITY: TRANSFORMATION IN POLICY AND PRACTICE**

The previous chapter examined how 'community' has been politically deployed in social policy, with more specific reference to those policies which aim to deal with the impact of crime and anti-social behaviour. The theories discussed, and debates raised provide useful context for this chapter, which will consolidate the focus on crime and justice initiatives which take place in community settings and are labelled as 'community justice'. These initiatives are examined in light of their place within broader criminal justice policies and how justice being done in the community has been changed and re-branded in accordance with political ideology and the shifting aims of the justice system. The chapter examines restorative and problem-solving initiatives which aim to have a transformative effect for offenders, victims and local residents. There is a clear intersection here between theories and concepts associated with 'community' and criminal justice policies which aspire to engage citizens to work with the state, and create a 'sense of community', which will also link to debates about determining responsibility and the continuing impact of broader social inequalities.

The scope of this study means the examination of policies and approaches under the remit of community justice will not be an exhaustive list, but instead examples are selected, which demonstrate a problem-solving ethos and seek to engage citizens in various initiatives to prevent crime and/or re-offending. The examples also provide an opportunity to examine and review these approaches to crime and disorder under different governments, to demonstrate how political ideology affects implementation. To offer some context for this, the chapter will start with exploring how justice is understood, from research examining practitioners, victims and the public's perspectives, and how this has informed policy decisions. The focus on examining justice, particularly punishment as a *form* of justice will be examined in the context of the widening net of punishment and control (primarily from Foucault, 1977, Cohen, 1985 and Garland, 1996, 2001). It will also examine the challenges relating to 'community engagement' as part of the remit of community justice initiatives. Therefore, the policies and initiatives examined in this chapter will include those which place community safety, citizen engagement, repairing the harms caused by crime



and reducing re-offending as core aims, i.e. neighbourhood policing, community/problem-solving courts and restorative justice approaches. In the context of being seen to 'do justice' these approaches may not always have the same goals or consensus of views to determine how justice should be done. They may follow key principles of 'community justice', but it is clear that policing and preventing crime methods will have a different focus to working with offenders to repair harms.

### **3.1 Examining justice**

Justice is primarily represented as a response to violations of law, customs or established norms, where punishment for this aims to deter others, to act as a form of retribution or to repair harms. It has also been understood as embedded in religious custom and belief, most commonly expressed as a form of retribution – the 'eye for an eye' philosophy (Nellis, 2000). However, justice also needs to be understood in broader terms, such as distributive justice, in which the distribution of resources and power in a society need to be fair, to support a system of justice which focuses on solving problems and repairing harms. This would support restorative practice in the justice system, to focus on crime as a harm to be repaired, and to confront offenders with the consequences of their behaviour (Nellis, 2000). Criminal justice systems in democratic societies form an integral part of the function of the state, representing a form of legitimate authority and moral and legal guidance for citizens. It requires co-operation, consent and confidence from citizens that it is achieving its aims (Sampson and Jeglum-Bartusch, 1998; van de Walle and Raine, 2008), something which has been a key focus of the Home Office (e.g. Mirlees-Black, 2001; Allen 2004), and since 2007, also the Ministry of Justice (Jackson et al, 2009).

Rawls (1971) examines justice in the context of how this occurs in a 'just society', where the 'liberties of equal citizenship are taken as settled.....not subject to political bargaining or to the calculus of social interests' (p4). Rawls was particularly concerned that criminal justice policies need to be a stabilising force, to reinforce the 'bonds of civic friendship' (p.5), given that crime generates 'distrust and resentment [which] corrode the ties of civility' (p6). However, for Rawls the key social institutions entrusted to uphold justice, civility and citizenship were the monogamous family, competitive markets and private ownership of property. Arguably these neo-liberal and

conservative ideologies, which for Rawls, still offered opportunities for a just and fair society, also fit with the conservative communitarian perspective (Etzioni, 1995). Rawls' central premise was that justice was a 'contract' – where citizens' rights and equality were the foundations of the principles of justice to be upheld by the state, which was also to have a restorative, stabilising function when responding to crime (*ibid*). There are also similarities here to Hopkins-Burke's (2014) radical moral communitarian perspective, which emphasises the need for citizens to have their basic rights met in order create reciprocal relationships between them and the state. However, given that since the 1970s, different governments have accepted economic models and political ideologies which have not addressed persistent structural inequalities, Rawls' premise becomes somewhat contradictory. To suggest that a just and fair society can exist in a framework which advocates private ownership of good and services and faith in financial markets is increasingly problematic, as lack of investment in the criminal justice system as a public and private enterprise has become a clear concern (HCJC, 2010; 2015).

More radical perspectives demand wholesale change in economic systems in order to achieve a fairer society and a system of justice to reflect this (e.g. Fraser, 1997; Young, 1999). The broad acceptance of neo-liberalist economic models has created a focus on a public sector which must work more efficiently. This was central to the remit of new public management (NPM) approaches introduced by New Labour to reduce public spending and engage the private sector to deliver healthcare, education and the management of offenders (McNeill, 2012). There is clearly still a need to assess our understanding of justice as a response to crime and disorder in the context of broader societal structures, and not just as the work of a range of agencies and government departments.

In addition, we also need to consider how the CJS itself has undermined citizens' sense of safety, goodwill and trust in others. This has occurred through policies which have been ineffective, as demonstrated by rafts of initiatives to address local issues such as anti-social behaviour (Raine and Keasy 2012) and decreasing levels of confidence in the institutions of the CJS (Garland, 2001; Jackson et al, 2009; Bowen and Whitehead, 2013). Law and order policies presented by governments can generate populist responses to repressive measures to control crime and transcend

what is just, fair or for the greater good. However, there is also a need to balance this against the emotions felt by victims and those who fear victimisation, given such approaches also promise to deter others and reduce, or even eliminate the risk of re-occurrence (Kemshall, 2008; Raine and Keasy, 2012). Therefore, justice shifts away from Rawls' (1971) vision of a social contract, to uphold civility and becomes a set of responses to appease citizens' fears and help them deal with their emotions in response to victimisation. It is then also perceived to be a necessary response to minor infractions of the law and deviant behaviour (Garside 2006).

Jackson et al, (2009) further emphasise the role of emotions in this process, identifying two models to explain the fear of crime. These are instrumental (the level of fears, how these anxieties are heightened or diminished), and expressive – dependent upon the sense of safety citizens already have in their community and how well the police and others are able to maintain this. This work emphasises the important role of emotions understanding public perceptions of the CJS, and how this will affect innovations in delivering justice. When this is done in community settings, it will always be compared with methods which remove those responsible for the problem of crime, i.e. custodial sentences. It is easier for citizens to feel safe and protected when they no longer experience victimisation and believe the risk of re-occurrence is eliminated. This represents just one of the challenges therefore to the notion that justice can be a restorative and rehabilitative process in which law-abiding citizens can be engaged in, as part of a social contract, and to maintain community cohesion (Mead, 1918; White 2003; ODPM, 2004; Rai, 2008).

Examining what is understood by 'justice' also requires us to understand the justification for different approaches in policing, the process of law-making, how courts work, the function of punishment and how we deal with those affected by violations and harms caused by crime. Foucault's, Cohen's and Garland's work on the widening net of punishment and control provide insight into the evolution of the justice system today, and the continuing problems for the CJS in relation to effectiveness, engagement with citizens and legitimacy. Foucault (1977) charted the changing nature of punishment, in the 18<sup>th</sup> Century, from public spectacle, to hidden power and then in the 20<sup>th</sup> Century, visible in the community as 'hundreds of tiny theatres of punishment' (p113). He emphasised the concerns of early prison reformers who recognised the

futility of simply imprisoning criminals, maintaining that it was 'useless, even harmful to society' (p114) and a huge financial cost, with no discernible means of rehabilitation or steps to re-integrate offenders. There was instead much emphasis on prison as a form of protection from the offender, to conceal them from society. This form of justice to assert power and control persists and is manifest in risk-based approaches and public protection having prominence over welfarist responses and rehabilitation of offenders (Garland, 2001; Kemshall, 2008).

For Cohen (1985), community is represented by 'a strong state which simultaneously allows power to devolve to ordinary citizens' (p134). However, he also recognised that this view was challenged by crime control apparatus. Such measures blur the boundaries between the public and the private, where public spaces are controlled and public services are commodified. In his 'Visions of Social Control' Cohen predicted an acceptance of justice as enshrined in the pervasive belief among citizens that controlling crime will decrease it. In turn, this would enable tolerance of higher levels of surveillance, fortress living and invasion into our privacy (*ibid*). Garland (2001) developed Foucault's ideas around the use of punishment to maintain control, presenting an analysis of punishment as shifting from social welfarist principles observed after World War Two, which focused on the rehabilitation of offenders, within the safety net of the welfare state. In stark contrast, late modernity shifted from welfarism and transformative justice, to the 'culture of control' (*ibid*), i.e. with a remit to reduce crime, while also reducing spending on welfare, therefore implementing policies aimed more at deterrence and management of risks.

So in addition to changing political ideologies, which shifted the aims of the CJS, Garland (2001) also notes this occurred alongside increasing inequalities and decline in industries, presenting further challenges to those policies and initiatives which intend to 'engage' citizens and whole communities in the processes of doing justice. The processes of justice cannot and do not occur in isolation to broader social policies and issues, which is clear in context of the wealth of contributing factors which explain offending, and the responses to it. For example, as examined in the previous chapter, the experiences of citizens living in deprived areas, facing a lack of prospects for change, where they are resigned to their fate will affect their willingness to engage with the state and others to solve problems (Hughes, 2007; Michener, 2013; Atkinson,

2015). Equally, those in prosperous areas who are able to utilise resources to meet their own needs due to their financial position, will not see engaging with the state to solve local problems as a priority, or will adopt private security measures to feel safe (Demos, 2002; Dorling and Rees, 2003). Furthermore, Jock Young (1999) echoing Garland's work, proposed that the links between poverty and the processes of disengagement occurred with the shift in social policy from welfare-based approaches to measures of social control.

Garland (1996) argues that governments have engaged in a 'denial strategy' when it comes to dealing with the causes of crime. He cites this as evident in political ideologies, which aim only to maintain formal social controls, while disregarding inequality, poverty and unemployment as contributors to rising crime rates, and the fear of crime. Garside (2006) has highlighted that reform has focused on dealing with anti-social behaviour, describing it as a 'fixation with policing petty irritations.....rather than engaging seriously with the underlying causes' (p.7). He also reiterates the need for the response to crime to be a wholesale social policy response, to encompass the links between the problem of crime with those associated with public health (e.g. problematic drug use), housing (e.g. anti-social behaviour and supporting domestic abuse victims), the loss of employment and sustained levels of poverty. The repressive and robust response to crime, as a means to maintain safety and reduce citizens' anxieties is not an inevitable feature of democratic society, as examples from other European countries demonstrate how social justice can form the basis of responding to crime. This is manifest in decreased use of prison, effective initiatives to rehabilitate offenders and lessen the stigma they face, and not using the rhetoric of 'risk and control' (Pakes and Winstone 2007; Nelken, 2009).

According to Garland (2001), the focus on victims' rights, fear of crime and acquiescing to public opinion i.e. 'penal populism', meant politicians could use more repressive law and order policies, presenting this as 'effectiveness' in dealing with the problem of crime. He emphasises that these approaches have little to do with evidence based policy, or evaluating what works and much more to do with governments desire to maintain control, without having to invest in public services and welfare. Garland (2001) also talks of the 'adaptive' approach to crime control, in which there is an attempt to develop new strategies and confront the problem of crime, as

found in policies stemming from rational choice and routine activity theories. Linking this to his 'responsibilisation thesis', he notes a shift in responsibility to deal with crime away from the state. This 'governing at a distance' (2001:127) requires that others take over crime control, another example of the net widening of responding to crime, which Foucault, Cohen and others have referred to. Garland also referred to a strategy of 'defining deviance down' through the use of sanctions to divert offenders from custody and the full weight of the CJS, to reduce costs and better manage public expectations of the role of the state. However, the criminalisation of bad behaviour in the form of anti-social behaviour orders (ASBOs) suggests a process of defining deviance up occurs, where the CJS now intervenes, as formal social controls are no longer effective.

Sanctions such as curfews and ASBOs serve to stigmatise certain groups by removing perpetrators, which is seemingly accepted as justice being done (Nellis, 2000). Technological approaches are also a visible form of the net widening of control, in some sense the 'panopticon' on a wider scale (Foucault, 1977) and present an example of formal social control, which is normalised as a solution to crime and fear of crime (Cohen, 1985; Garland, 2001). It is interesting to observe that citizens seem to accept such controls and technological interventions as 'justice', rather than those initiatives which promise to prevent crime, through rehabilitation. It seems for many citizens, removal of those regarded as responsible for the problem is sufficient, even taking into account the likelihood of geographical, temporal or target displacement (Felson and Clarke, 1998). Justice then, becomes limited to appeasing citizens' sense that the state has acted to punish offenders, that this will not happen to them again, and therefore, in their local community, they are safe and protected.

Christie (1977) cited the absence of 'community' as represented by the lack a sense of belonging, attachment between citizens, and therefore, as a place in need of restorative measures to counteract the corrosive effects of crime and revitalise citizens to be part of the process of justice. Much like Rawls' (1971) notion of justice being done in a fair society, Christie is offering an ideal, an initiative which seemingly can overcome the broader problems and barriers to affect positive change in communities in which citizens' experience is one of deprivation, stagnation and fear. Crawford (2002) has also critiqued this notion of 'community' as a place where justice can be

done and can generate belonging, citing some places as not 'havens of reciprocity' but instead, places in which power relations and hierarchical arrangements are maintained based on class, gender and ethnic divisions (p110). As discussed in the previous chapter, this notion of community as the basis for more restorative measures is easily undermined when considering the disparity of experiences and the harmful effects of crime.

Whether we view justice as a restorative process, retribution or part of a social contract, it is clear that these processes occur alongside broader structural inequalities and power relations which exist in any given community. They can act to disrupt the sense of belonging and trust required to implement different forms of justice, such as restorative justice, if divisions and tensions exist due to significant and pervasive problems associated with deprivation. There has clearly been a shift from Rawls' (1971) social contract vision of justice and Christie's (1977) call for victims and communities to be involved in these processes, to repressive law and order responses we see today (Nellis, 2000; Garland, 2001). They need to be understood in the context of broader economic, social and political changes, which inform policy and approaches to dealing with crime and disorder. It is also useful to have a clear grasp of public attitudes towards justice systems, in order to be able to assess how this may affect the implementation of innovations in justice.

An international review of attitudes towards criminal justice systems has revealed general dissatisfaction with the efficiency, costs, bureaucracy and concerns over confidence in CJS professionals. In relation to effectiveness, the police retain greater levels of confidence, with judges, magistrates and the Crown Prosecution Service (CPS) perceived as less so (van de Walle and Raine, 2008). The shift towards crime control and risk based approaches in the CJS of England and Wales has occurred alongside persistently high re-offending rates, which further raises concerns about its effectiveness and ability to protect the public and reform offenders. In addition to the overall dissatisfaction with the CJS as a means to reduce offending, others face bias and prejudice when they come into contact with the CJS. This discrimination occurs for victims, suspects, witnesses and offenders, including those from ethnic minorities (e.g. Macpherson, 1999; Phillips and Bowling, 2003; Pennant 2005), female offenders (e.g. Fawcett Society, 2004; Corston, 2007), those with mental health issues (e.g.

Bradley, 2009), problematic drug and alcohol users (e.g. Kothari et al, 2002) and young people (e.g. Wilson et al, 2000). Those who have had direct contact with the CJS as victims, jurors, witnesses and suspects also report lower levels of confidence (Brown, 2005), suggesting problems do arise with experiences of the performance of CJS professionals and not just with their perceptions from the media or other sources (van de Walle and Raine, 2008). With regards to the work of the courts and their staff, studies have demonstrated perceptions of judges being out of touch with ordinary citizens, and that the justice system worked better for those with higher income levels (Genn, 1999). Research also suggests an association between lack of understanding and other negative perceptions of the way in which court services work (Hough, 2003) and that the system is simply too slow, unjust and lacks accountability (Bowen and Whitehead, 2013). It seems then that for many, justice still needs to be swift, robust and to guarantee desistance from offending – a tall order for a system which must uphold human rights, due process and the law. These attitudes toward the current CJS demonstrate the scope of the task for more innovative forms of justice, in that they are still trying to meet the demands for efficiency and reduction of risk, in communities where citizens feel unsafe and still look to the state to protect them from offenders and potential offenders.

In addition to this, a more contemporary issue faced by those working in the CJS now have to grapple the ease of accessibility to information about CJS agencies, through media and social networking forums (Jewkes, 2015). This information will inform the views of those not directly involved in a particular crime, where they also have an opportunity to express their opinions and scrutinise the work of the CJS. Media reporting and social networking have also placed increased scrutiny on the performance of criminal justice agencies and those organisations tasked with overseeing their work (such as the Independent Police Complaints Commission and criminal justice inspectorates). They will use Twitter and Facebook accounts as part of their corporate communications strategy, meaning there are now forums in which anyone following these accounts can comment on posts. Therefore, the CJS and organisations who work within it to support victims, manage offenders and keep communities safe now have to contend with scrutiny and criticism from official oversight organisations and inspectorates, journalists and now, the public who have a range of forums to express their views. To successfully implement innovations in



justice in the community, there is even more to do – to uphold laws and work within legal processes, to reduce re-offending through the reform of offenders and to prevent crime by dealing with those at risk and helping citizens protect themselves. Such measures need to also balance this with offering support to victims and those who feel fearful of victimisation and contend with scrutiny from various forms of governance and media representations *and then*, to achieve all this efficiently, i.e. without being a burden on the taxpayer. The task for community justice may reflect a more genuine attempt to deal with the causes of crime and improve the general quality of life for engaged and active citizens. However, it is clear we also need to examine ‘community justice’, to understand how different parts of the CJS, the public, the media and politicians interpret it and what they focus on as a priority.

### **3.2 The principles of community justice**

Within both adversarial and inquisitorial justice systems, it is possible to identify several distinct principles within community justice, which are consistent with the work of the police, courts and those working in restorative practice (Wolf, 2007). A common and significant aim of community justice is the engagement of local citizens, as found in community policing models first developed in the USA, which sought to involve stakeholders from the local community in the planning and implementation phases of policing operations and initiatives (Skogan, et al, 1999). For community courts, this is represented by outreach work to inform citizens about the rationale behind the decisions of magistrates (Mair and Millings, 2011), and is also represented in policing as consultation exercises to determine priorities for the local community (Myhill, 2003). Community justice also advocates scaling down the management of justice to a local level, placing it within the community it serves and making more use of restorative justice measures. Such measures have primarily been advocated for low-level crimes, where there is an opportunity to provide offenders with support and access to resources to address the cause of their criminal behaviour, such as treatment facilities, job training and other services (Wolf, 2007). A problem-solving approach is also a vital component, and this is represented in policing by targeting resources and working in partnership with other agencies to prevent crime and the escalation of deviance (Rowe, 2008). In community courts, problem-solving approaches require a liaison between magistrates and court staff with agencies who can offer services and support,

which will tackle the causes of crime, again, a tailored and targeted approach, utilising the skills and resources of others (Llewelyn-Thomas and Prior, 2007).

Hine (2014) emphasises how community justice models aim to bring criminal justice agencies and citizens together to solve problems, with the latter having an active role in the processes of justice and community safety. However, Hine (*ibid*) also notes that there needs to be more research into community perspectives on community justice, specifically the expectations of citizens in areas affected by crime, on the role of the state and their own contribution. In a study to examine the impact of crime on citizens' views of offenders, Bottoms and Wilson (2004) found a range of outcomes and attitudes towards the ability of offenders to be rehabilitated and the levels of punitiveness in two locations experiencing high levels of crime. The research showed that when crime was more visible in the community, not surprisingly, it had an effect, which raised citizens' fears and increased the calls for more punitive sentences. Therefore, Bottoms and Wilson (*ibid*) suggested that justice needed to be just as visible, in order for it to restore citizens' feelings of safety and sense of justice being done. Specifically, they refer to signal crimes and examples of disorder, which can be represented by physical damage and observed behaviour, leading to a rise in anxiety about safety (Innes and Fielding, 2002).

In Bottoms and Wilson's (2004) study, the visible forms of justice which alleviate these anxieties came from their review of the Neighbourhood Reassurance Policing Programme (NRPP), and examples included CCTV, dispersal orders and a police presence on the streets. They reported that the work of youth offending teams and the probation service had little or no visibility, because their work was done in private spaces. However, an interesting finding from this study was that even in areas where high crime rates and high levels of punitive attitudes towards offenders occurred, there was also 'support for the principle of redeemability' (*ibid*, p.30). This suggests while the work of the probation service and others may not be visible, it can be appreciated as delivering the rehabilitation of offenders. What does seem important, however, is that implementing visible controls so that overall, citizens feel safe, is an important part of the process, particularly to engage them with innovative forms of justice.

In a discussion about what community sentences are meant to achieve, it is useful to examine their effectiveness in reducing re-offending, as compared to other sentencing options. During 1996 to 2006, the use of community penalties increased by 44% (Ministry of Justice, 2006), and figures from more recent cohorts reveal that re-offending rates for offenders who have completed a community order is 36.8%, whereas for those post-custody, this was 49.4% overall (Ministry of Justice 2010). However, there are numerous problems with citing these sort of figures as proof of efficacy, given the problems with the use of re-offending rates generally as a measure of success (Brand and Price, 2000; Maruna, 2001; Garside, 2004; King, 2012 and Hedderman 2013). An important aspect to also consider is the need for greater visibility in local justice, as advocated by the Casey Report (2008) on community payback schemes. This was cited an important element of engaging communities, to be part of the 'law abiding majority' (p4), along with the need to maintain trust in the work of the police, local government and courts. However, to further make the case for the use of community sentences, using a cost-based analysis seems to present more robust evidence with regards to their efficacy. The savings associated with the use of community sentences compared to prison sentences are reported to be between £3000 and £88000 per sentence (Hedderman, 2008). This stark difference is attributed to the nature of the community intervention, which will affect the time and resources required.

Whether we accept the financial case or the suggestion above that community sentences are simply more effective at reducing offending, it is important to understand the many different forms represented under this approach. For example, community-based initiatives which use restorative approaches is seen as a mechanism to address low-level crime and disorder. This can be particularly useful in deprived and fragmented communities and presents a more a more visible and inclusive form of justice, given its potential to repair harms and resolve conflict (Faulkner, 2003). Delegating policy to local governance and administration reflects a move towards the care and community models of criminal justice. There is also the added potential to bypass the broader influences on the administration of justice. Arguably, they have little to do with local concerns, and instead are views promoted by politicians, the judiciary and the media, claiming to reflect wider public opinion (Grimshaw, 2004). In addition, restorative practice is said to address some of the concerns about the current CJS, i.e. the lack of confidence in its effectiveness and trust in practitioners, which

undermine its legitimacy. It achieves this in part through supporting victims and by resolving conflicts as key to the process of reparation (Garland, 2001; Bowen and Whitehead, 2013). Therefore, while community justice has a useful framework and set of principles to be implemented in policing, the courts and in restorative practice, it seems its visibility at a local level is where it can have a more transformative effect. As Hine (2014) suggests, therefore we need to examine not just how community justice is implemented, but also where it is implemented and who it affects. Given the obvious answer to this question is 'in the community', then it is clear that understanding what community represents for citizens, practitioners and policy makers provides important context when examining various initiatives implemented under the remit of community justice.

An interesting aspect to these debates comes from a range of studies in the USA, which examine the community justice movement, as a response to the over-centralisation of justice and the need to allow CJS professionals to focus on local problems (Berman and Feinblatt 2001; Mansky 2004). It advocates the use of restorative practice, the delegation of power from central courts (Braithwaite, 2003) and encompasses problem-solving approaches, succinctly summed up as seeing crime as a 'series of problems to be solved' rather than a 'contest to be won' (Karp and Clear, 2000: 328). This demonstrates a shift in the courtroom, from an adversarial arena, to a place where defendants have an opportunity to be included in decisions about their sentence. The court becomes a community resource, which is able to focus on local problems and make use of local services to also be part of the solution. As in the UK, citizen engagement is also important, in the form of understanding what types of offending they see as a priority and what affects them from day to day and disrupts their 'sense of community.'

These can be argued to be noble ideals and aims, and certainly on the face of it, seek to address some of the criticisms of the CJS. However, they may also represent a retreat of the state, where citizens, including vulnerable populations, are left to fend for themselves. In addition, as discussed in the previous chapter, there are challenges in using social and criminal justice policy as a mechanism for improving the quality of life for all citizens. The principles discussed in this section and the examples presented later on in this chapter show how there are still assumptions made about communities

as places of unity, consensus, equality and reciprocity (Mair, 1995; Crawford, 1997; Hughes, 2007). In light of the diversity of populations found in any given geographical location, these assumptions are misguided at best and exclusionary at worst. The range of cultural, religious, ethnic beliefs and norms, along with socio-economic circumstances, can translate into competing interests and needs. Assuming community is a place of consensus means that those working under the remit of community justice can inadvertently exclude some groups, or exacerbate their disadvantage. This will include those groups who for a range of reasons, do not immediately engage or have opportunity to participate in consultation with state agencies. For example, ethnic minority groups and immigrants facing language and cultural barriers, or vulnerable members of a community who are targeted as the cause of social problems (Karp and Clear, 2000). In addition, media reporting is viewed as an obstacle to increasing participation in crime and justice issues on a local level, through irresponsible reporting which contributes to existing suspicions and fears among citizens (e.g. Cohen, 1985; Jewkes, 2011). This reinforces views that participation in addressing the needs of victims and offenders poses a risk and should remain as the responsibility of the state (Hough and Roberts 2004a/b).

Nellis (2000) reiterates that a better understanding of how justice is done in the community is required, as an important starting point to facilitating the efficacy of community justice initiatives. Others argue there needs to be a better understanding of community life and conditions, as there is still a tendency for policy makers to assume traditional notions of community exist (e.g. Etzioni, 1995; Jordan, 1998, Hughes, 2007; Hopkins-Burke, 2014). Robins (1992, cited in Ballintyne et al, 2000) described community justice initiatives as 'tarnished visions' requiring a broader consideration of penology to reduce the use of prison, to have fairer policing and to focus on addressing inequalities to improve community safety. In addition, Nellis (2000) suggests what is required are more practical solutions and a more sustainable approach, working with citizens to develop community regeneration, alongside addressing the violations of the law, which have occurred. However, practical solutions may have an impact for a few or for a short time, but as Giddens (1991) argued, community justice has too often been perceived as 'utopian realism.' This suggests that community justice principles offer viable alternatives to punitive and repressive sanctions, however, in climate of 'denial' about the broader causes and

impact of crime (Garland, 1996), their scope for effective change and transformation will remain limited.

The aims of community justice have significant implications for practitioners across the CJS, as to implement such changes will require re-training and a re-focus on the core functions of the roles of staff. For example, magistrates need to improve their awareness of and engagement with options for community sentences (Mair et al, 2007). In the police service, officers need to be encouraged to use diversionary methods and work in partnership with other agencies (Rowe, 2008; Myhill, 2006), and within prisons, staff need to have the time and skills to help offenders use custodial sentences as an opportunity for rehabilitation (Liebling and Coyle, 2009). However, even with such changes to the way justice is done, given the pervasive concerns about public confidence and trust, CJS agencies have been reluctant to implement such reforms. More recently, the Transforming Rehabilitation agenda appears to have appealed to public punitiveness more so than the ideals of community justice, which is also driven by economic priorities embedded in the neo-liberal and conservative ideology of law and order (e.g. Cohen, 1985; Young, 1999 and Garland, 2001).

As an example of the challenges of dealing with competing aims in community justice, Mair (1995:466) conducted a study of the Intensive Probation (IP) programme, which presented an attempt to achieve the 'holy grail of penal policy' - to reduce re-offending, and decrease the prison population using an initiative which could be seen as a robust and effective response to offending. The evaluation emphasised the elements of IP as having strict referral criteria and targeted programmes aimed to reach these goals, and they also included consultation with the offender, along with adopting a multi-agency approach. According to Mair (1995), sentencers saw IP as a viable alternative to custody and wanted its scope broadened to include minor offences, however, there was still a view expressed that it was seen as a 'soft option' compared to a prison sentence. It is interesting here that they saw the value of IP for less serious offending, perhaps to be used to prevent an escalation of offending, or to show a more robust response to lower level crime, widening the net of this sort of intensive intervention. Another interesting outcome was that offenders did not react negatively to the more controlling and restrictive elements of IP, valuing the increased contact time with their project workers – a key role in co-ordinating the various contribution of other agencies

(Pycroft and Gough, 2010). Given that the probation service has been described as 'a genuinely reflexive and problem-solving organization' (Priestley and Vanstone, 2006: 414), IP represented a programme which offered mechanisms for change, with positive outcomes expressed by practitioners and offenders. However, since the implementation of IP, probation practice has also experienced politically driven shifts in focus and structural re-organisation (Annison, 2013). This is problematic, as focusing on reducing reoffending, and reducing risk, as a measure of success for probation officers, moves them away from the reflexive and problem-solving ethos - the very foundations of the service (NAPO, 2012a; Canton 2015).

If community justice is to achieve its aims of improving the quality of life for citizens, which will include victims of crime, then it is clearly important to consider this perspective and how it has informed policy. Victimology offers insight into understanding the risk factors associated with being a victim of crime, and the notion of the 'ideal victim' who will garner sympathy and action by CJS agencies (Christie 1986, cited in Goodey, 2005). It also introduces us to the concept of 'victim blaming', linked to the idea that citizens can do more to protect themselves and not place themselves at risk (e.g. Walklate 1995). For media outlets, the 'ideal victim' presents an element of newsworthiness (Green, 2007) and a clear identification of 'folk devils' as those who have committed the crime against the more vulnerable image of victim. This view of victims can be emotive and powerful and a very useful tool for campaigners for change in criminal justice policy or laws. An example of this found in the work of Baroness Newlove, who lost her husband Garry, who was beaten to death by a gang of young men in Warrington in 2007. She has campaigned as Victims' Commissioner to demand action to deal with binge drinking culture, anti-social behaviour and violence.

However, victims also include those who do not garner such status or sympathy because they have lifestyle characteristics or circumstances in which they are viewed as culpable for their victim status. According to Carrabine et al, (2004), this includes the homeless, problematic drug and alcohol users, sex workers, offenders and to some degree, victims of domestic violence who do not report assaults and who remain in a relationship which poses a clear risk to them. In the case of offenders, the risk of victimisation has been linked to violent crime, due to their behaviour and who they

associate with regularly (Mayhew and Elliott, 1990; Pedersen, 2001). Social disadvantage can also be added to this list, in that those in urban settings are more at risk of a range of crimes, particularly of repeat victimisation (Williams, 1999; Dixon et al, 2006). This list of risk factors encompasses behaviour, which could arguably represent a lifestyle choice made by individuals, but equally, they could be seen as a result of other pressures, disadvantage and coercion. To highlight social disadvantage as a risk factor for repeat incidences further emphasises that the challenge for engaging citizens in community safety agendas.

This is not simply a matter of them making the decision not to engage, as they do not have the capacity to be part of the solution to their problems. This analysis of victimisation highlights again how very different experiences for citizens based on where they live mean they can be more at risk, more fearful of risk and then also be blamed for not protecting themselves. It is not so difficult to imagine that victims of crime could be more easily persuaded to engage in crime prevention measures, to exploit their emotions and desire to protect themselves, but incidences of repeat victimisation demonstrate high proportion of victims who are unable to do this. Walklate (1989) citing Sparks (1982) typology of risk of victimisation, noted the lack of attention paid to socio-economic circumstances which are out of individuals' control, and that too much responsibility was placed on victims' own vulnerability and the behaviours they engage in. Therefore, again we see a key principle of community justice facing challenges, given the limitation of any initiative under this remit to tackle structural inequalities and the impact of broader social disadvantage.

In addition, the emotions associated with victimisation include shock, anxiety and anger all of which if not addressed, along with the physical means to secure property, can lead to a prolonging of victimisation (Dignan, 2005). This form of secondary victimisation (*ibid*) resulting from a perceived inadequate response from the CJS, then becomes a sense of injustice towards the state, and perhaps also of undermining their sense of belonging to their community. Mead (1918) suggested that a response to offending can create community by uniting citizens against those who harm, further reiterated by Shapland (2008) and the Riots, Communities and Victims Panel (2012) who present 'community' as represented, albeit temporarily, by citizens bonding in the face adversity. As with social capital, this form of cohesion presents policy makers an



opportunity to harness this unity and collective response to crime and disorder. However, this may not be sustainable as victimisation can be felt long after the event or experienced as repeated incidences in communities where citizens are vulnerable by virtue of their circumstances. The reach of cohesion is hindered by those citizens who are victims of crime, victims of circumstance and of broader influences over which they have no power to change.

Victim-centred policy, much like community justice principles aims to offer victims and citizens a voice, an opportunity to be consulted about and involved in the process of justice. Therefore, organisations such as Victim Support play a very important role in communities and as part of the overall response to crime. Victim Support was set up in 1974, as an independent charity helping victims and witnesses, guiding them through the court processes, offering emotional support and practical advice and specialising more recently to help victims of anti-social behaviour, hate crime and domestic abuse (see <https://www.victimsupport.org.uk>). In addition, in response to calls for better treatment, being kept informed of case decisions and having an impact on sentencing, a code of practice (Ministry of Justice, 2015) was introduced, tailored for CJS agencies and others to ensure a consistent response. The code included guidelines for agencies to redress the balance of support for offenders and give victims more support, with guidelines such as:

- 'Keeping victims informed, especially vulnerable or intimidated witnesses (all CJS agencies) (s. 4)
- Police responsibility to tell people about victim support agencies and/or refer them for support put on statutory basis (s. 5.3)
- CPS obliged to work with victims and witnesses, answer questions and explain decisions (s.7)' (*ibid*).

This can of course have a positive impact on practice with victims within CJS agencies, where they implement these codes, and where they have the resources to support this. However, this element of practice and focus for CJS agencies may also be de-prioritised in times of austerity, where resources are stretched. If this occurs alongside the rhetoric in which offenders are presented as the enemy (Garland, 2001), welfare and support is overtaken by punitive responses. In this approach, victims are utilised

as a resource to justify changes in policy, which advocated condemnation and then placing trust in the state to respond accordingly.

As another example of policy aimed at achieving a better sense of justice, victim impact statements (VIS) were introduced in 2001, to help judges and magistrates make informed decisions when determining sentences, an important element in the community justice approach (Wolf, 2007). They claimed to give victims a voice and create a sense of responsibility among citizens, to be part of the process of justice (Ashworth, 1992). The use of VIS in response to anti-social behaviour and low-level offending, which was more prevalent and affected citizens' quality of life, reflected the demand for the justice system to address this sort of offending. This also needs to be understood in the context of victims who see justice as requiring condemnation of those who have harmed them, and who are therefore unable to adopt a different position required by restorative practice and problem-solving approaches. Erez (1999) addressed concerns about the potential for VIS to be used to justify harsher sentencing practice, concluding that they have to focus on harm, not culpability and remain a 'useful vehicle to enhance justice' (p555). This emphasis on the purpose of hearing from victims reflects the value in magistrates and judges making more informed decisions when sentencing, as a means to satisfy the sense of justice, which requires a proportional response (Wolf, 2007; Donoghue, 2014). There is a 'therapeutic' quality (Ward, 2014), attached to this process, a step towards restorative practice, without placing the burden of inclusion and acceptance of this, on victims.

Concerns about the efficacy of VIS is perhaps not reflected in discussion about the rationale behind their use, but instead, problems with the way they are implemented by CJS practitioners. This is supported from a study by Lens, et al (2015), who highlighted the need to address the question of the efficacy of VIS, given the contradictory evidence on this (Chalmers et al., 2007; Sanders et al., 2001). Len et al (*ibid*) conducted a longitudinal study to examine the use of VIS in court, with emphasis on their role helping victims recover from the trauma they have experienced. An interesting aspect to this research was that those who chose to deliver a VIS showed higher levels of anxiety and anger towards their perpetrator, compared to those who did not, supporting this premise that the VIS was useful to alleviate the harms caused and help them work towards achieving a sense of justice. However, Lens et al (2015)

also found that the process of delivering a VIS had little impact on these feelings of anxiety and anger towards perpetrators, but they did find that a reduction in anxiety occurred among those who submitted VIS, as related to having input into the process of justice.

Roberts and Manikis (2013) reiterated the problems associated with the efficacy of VIS, which at the time of their study were called 'victim personal statements' (VPS). These are related to a lack of public awareness and inconsistent implementation across the country, perhaps explained to some degree by the lack of statutory duty on behalf of CJS staff to use them. Interestingly, one aspect of this study which did lead to change was the recommendation to re-label VPS to VIS, in order to better identify the purpose of the statement. This need for clarity over the use of innovations aiming to enhance the experience of the CJS as positive and effective, has been observed in various initiatives, which are implemented under the remit of community justice (see section 3.6). However, it is worth considering the importance of victim perspectives, to be part of the solution to the problem of crime, as those who have been harmed, as well as those who are responsible. The myriad of experiences of victimisation and responses to it are complex and a more thorough review of this is beyond the scope of this study. This also demonstrates just how ambitious the principles of community justice are, given this involves an attempt to support victims and offenders in community settings, and to deliver a transformative effect for all those involved. The rest of this chapter examines in more detail examples of policies and initiatives which have adopted the principles of community justice, as they are deployed in restorative practice, neighbourhood policing and community courts.

### **3.3 Restorative Justice**

Restorative justice operates on the basis that crime harms individuals and communities and that a response is needed to repair that harm. It also aims to address harms caused beyond that of the victim, to meet the needs of the local community that 'wants reassurance that what happened was wrong, that something is being done about it, and that steps are being taken to discourage its recurrence' (Zehr 1990: 195). These are needs shared by all three categories of crime victims - primary, secondary and vicarious victims (the public or society; in other words, those who become aware

of the crime through local and national press or other means) (*ibid*). The principles of restorative justice align closely with reparative justice, in that steps must be taken to compensate victims, as well as turning a situation of conflict to one of forgiveness and to ensure the protection of human rights (Marshall, 1999; Wright, 2006). Overall, this represents a more inclusive approach to the administration of justice, as it engages offenders and victims and the local community in the processes of change and reparation. This shift focuses primarily on the management of offenders and victims, sentencing policy and practice, and requires the engagement of citizens to accept this as a form of justice in their community. Restorative justice is also claimed to be a mechanism by which policy and practice can create community, through feelings of 'connectedness' (McCold and Watchel, 1997; 2002) and the arrangements made to mediate between victims, offenders and others invested in addressing the harms caused.

Another important component in restorative practice is to focus on offender rehabilitation and victims' rights in response to crime, as opposed to more punitive and retributive forms of justice. If done correctly, restorative justice programmes empower the victim and offender with control over the nature of the reparation and empower the local community exercise informal social controls. However, Moore (1997, cited in Marshall 1999) suggests there is a danger in involving community representatives in restorative justice conferences, because their role as direct stakeholders in the crime may not be legitimate. 'Community' volunteers may represent interests that are anything but restorative or re-integrative, as they may display an attitude of moral superiority, and even punitiveness and intolerance, which could disrupt the attempts at resolution. There are other concerns about the use of restorative justice arrangements, an obvious one being the perception that such practices are limited to low-level offending, despite examples of their use for more serious offences. There is also a perceived informality associated with restorative justice, as compared to the formal processes of court, which may undermine restorative practice as a legitimate form of justice (Strang and Braithwaite, 2001).

In addition, courts and the system of justice are upheld as the best way to protect human rights and ensure that both victims and offenders are dealt with respectfully and fairly (van Ness, 2005). Victims are a vital part of the process and restorative

arrangements cannot proceed without their permission and willingness to engage. However, even if a victim of crime does agree to participate, the acceptance by those living in the community where restorative justice occurs cannot be guaranteed. It is important here to reiterate concerns raised by Cohen (1985) and Nellis (2000) in that for many, justice must be represented by a punitive response, where citizens accept formal social controls as a means to keep them safe.

Neighbourhood Justice Panels (NJPs) were introduced in 2010 and adopted the principles of restorative justice in situations where informal resolution was appropriate. There was a specific focus on anti-social behaviour and neighbourhood disputes, points of conflict which had not yet led to criminal activity, but were clearly causing harm. NJPs were not to be used for indictable cases, which required formal court proceedings, such as domestic abuse, hate crime, assault and criminal damage. As in other restorative justice arrangements, the NJP brings the victim and offender together, and whoever else is directly involved, to agree on how to resolve the problems and offer reparation (Turley et al, 2014). The NJPs were piloted in 15 areas, which experienced incidences of anti-social behaviour (especially with young people as perpetrators), damage to public property or spaces and anti-social behaviour associated with alcohol use. This approach was to be adopted as a form of early intervention. Research has shown success in relation to engagement of relevant stakeholders, effective facilitation, and a positive response to the panel for both victims and offenders (Meadows et al, 2010). Previous studies of similar arrangements have shown additional positive effects for victim satisfaction (Shapland and Hall, 2007), contributing to the reduction of re-offending (Sherman and Strang, 2007) and improving community cohesion (Turley et al, 2014). This latter outcome was represented by citizens already participating in their community. This included working at libraries, for Sure Start initiatives, Neighbourhood Watch groups, local schools and colleges and at Police and Communities Together (PACT) meetings. These existing arrangements and networks provided forums and participants for NJPs, so while it was clear there was an awareness of NJPs among these citizens, the research did not assess the degree to which those outside of these arrangements were aware of and participating in this process of restoration. However, it was deemed important to persist with this initiative, given the involvement of such groups and citizens led to better informed decisions by NJPs. They also represented a way to instil responsibility

among citizens for their safety and promote problem solving and conflict resolution as a response to anti-social behaviour and disputes (*ibid*).

As with many community justice initiatives, it remains to be seen how high a profile NJPs will have in mainstream criminal justice policy and whether restorative justice approaches can be used more widely to deal with more serious offences, such as robbery, burglary, domestic abuse cases or hate crime. This is not just a matter of process, legality or logistics in implementing restorative justice, but for more serious crime, also a matter of acceptance by victims and those not directly affected as a way to see justice being done. It is easier to see how restorative practices in the CJS can have a transformative effect for those citizens experiencing low-level offending and anti-social behaviour. It is also possible to see the creation of a form of community by physically bringing citizens together in these arrangements to solve problems (Christie, 1977, McCold and Watchel 2002). However, while implementing restorative practice to deal with crime and anti-social behaviour could offer a transformative effect for the duration of the arrangement, this may not be sustained. Therefore any feelings of trust or sense of cohesion created will be limited to those involved and possibly, only temporarily much like the sense of community generated in response to trauma (Shapland, 2008). Arguably asking citizens to engage directly in the process of delivering justice may be overly ambitious, and limited in its scope, whereas asking citizens to engage in protecting themselves and aiding agencies which police the community and preventing crime occurring may perhaps be a more straightforward undertaking.

### **3.4 Community and Neighbourhood Policing**

It is argued that community policing enables the police in democratic societies to operate more meaningfully with the consent of the public, in response to the recognition that the police need co-operation from the communities they serve (Rowe, 2008). In the USA community policing has been widely adopted with a range of activities and programmes being developed under this remit. There are three key elements, which comprise the community policing philosophy, namely citizen engagement, a problem-solving approach and decentralisation in terms of decisions regarding setting priorities and deploying resources (Skogan, et al 1999). In the UK,

since the mid-1980s, activities under the remit of community policing, especially in terms of partnership working and building trust from the public, varied across police services. They included introduction of community beat officers, using resident surveys and consultative committees, along with working with the voluntary sector (Ekblom, 1986). Thurman et al (2001) have emphasised the positives of community policing as a focus on the needs of the community, through crime prevention, problem-solving and valuing police employee's input. Along with defining the various processes and activities, which constitute community policing, others have looked at the outcomes, beyond those of crime control and maintaining public confidence. These include greater efficiency in reducing crime, improving citizens' quality of life, reducing fear of crime and maintaining the legitimacy of the police (Friedman, 1994).

The origins of community policing in the UK can be traced back to Alderson's model (1979), which proposed a range of objectives to control crime, but also to address 'criminogenic social conditions through co-operative social action' (p.199) and create a relationship of trust where citizens' rights are protected. Alderson also identified a need to strengthen both security and 'feelings of security', working with other agencies where necessary to 'deal with crises and help those in distress' (Rowe, 2008:74). A useful means by which to define community policing has been provided by Brogden and Nijhar (2005:2), who have considered what community policing does *not* do. Specifically, it is in direct contrast with militaristic models of policing and it does not limit itself to simply reacting to reports of crime. Community policing advocates a more accountable and transparent approach, working with others rather than in isolation to fight crime. The process of decentralisation under the remit of community policing brings police officers and community members together in a commitment to a 'problem-solving partnership' to deal with crime and disorder (Wasserman and Moore, 1988: 5). Part of this commitment requires greater accountability on the part of the police and more 'active' citizens taking greater responsibility for their community, shifting the focus of the police from reacting to calls from the public to a role characterised by prevention and seeking resolution to problems (Peak and Glensor, 2002, cited in Rowe, 2008).

The aims of neighbourhood and community policing seem to offer mechanisms by which to create cohesion in communities through the promise of helping citizens to

maintain safety, through visible patrols, advice and support to victims and engaging citizens in primary crime prevention (Clarke, 1997). The ‘bobby’ on the beat also harks back to nostalgic expectations of policing and perhaps also of how communities used to be, with a visible presence of the police to maintain safety (Reiner, 1992). However, this aspect of policing, as part of developing cohesion and safety in communities has been undermined by concerns regarding the excessive use of stop and search against ethnic minority populations (Macpherson, 1999; Bowling and Phillips, 2007). The role of Police and Crime Commissioners (PCCs) in 2012, introduced as part of the Police Reform and Social Responsibility Act (2011) has put the spotlight on the oversight and accountability of the police service. Some view the PCC role as an important independent authority needed to ensure effective and proper use of resources allocated to dealing with crime, justice and policing at a local level. Others have raised concerns that this role reflects the continued politicisation of the police, their accountability and the perpetuation of police culture, especially when PCC roles were taken up by ex-police officers (Millen and Stephens, 2012). Millen and Stephens argued that the previous arrangements for police oversight, regional police authorities which were abolished in favour of PCCs, offered a:

‘bridge between local people and police forces, police authorities have a crucial role in building trust, gaining confidence and ensuring that the collective will of local citizens was reflected in local policing.’ (2012:263).

This focus on oversight of the police was borne out of the principles of community policing, as a way to improve relationships between the police and public, specifically in the US and UK in the 1970s and 80s, due to a series of scandals and high profile public disorder events sparked by protests against police officers’ behaviour (e.g. Brixton Riots). In the late 90s and into the 21<sup>st</sup> Century, community policing, re-branded as Neighbourhood Policing had a firmer policy focus, with the new ‘reassurance agenda’ and a move towards high visibility of patrols, improved accountability and consultation with the public. This form of policing aligns with the principles of community justice, where transparency and accountability in decisions making are clear and where local residents are given an opportunity to be involved in determining priorities for their community.



The Neighbourhood Policing Programme (NPP) was implemented at borough command unit (BCU) level and was officially launched in April 2005. Challenges for the police have been identified in implementing what is effectively broad organisational change for the police in England and Wales. This includes ensuring consistency in approach across forces, to guarantee delivery of the three key mechanisms of the NPP, 'visibility, community engagement and problem-solving' (Quinton and Morris, 2008:40). The term 'neighbourhood' has been adopted in part to distance it from community policing, but also to denote it as a strategy to be implemented within a specific geographical location (Quinton and Morris, 2008). There is greater emphasis in the expectations of the NPP to specifically address crime and disorder and improve safety and security of communities, as opposed to the broader aims of community policing to restore and rebuild fragmented communities and deal with the underlying inequalities and issues leading to offending.

Myhill, (2006) reviewed the implementation of and research into community policing in the UK, specifically in relation to community engagement. The focus for the various strategies was crime prevention, reducing fear of crime and to include citizens in the policing of their communities. An interesting finding was the need to ensure that the community engagement part of this approach was properly resourced and understood as being as important as other aspects of policing. It was also clear that proper reform and a shift towards the philosophies of community policing needed changes to recruitment, better consultation on priorities and ensuring complaints against the police were dealt with. In addition, Myhill, (2006) suggests that 'the police service is still some way from accepting certain aspects of 'community engagement philosophy' (p.46), emphasising the challenge in implementing this approach, and developing new roles such as Community Beat Officers (CBO) and police community support offices (PCSOs). A specific challenge Myhill (2006) referred to was the perceived lower status of the CBO/PCSO role, and the lack of understanding by both the police and community about this. He suggested community engagement needed to be understood in the context of measures such as detection rates, to show a police service which was effective, before focusing on ways to develop cohesion in communities. As with Pino's (2001) research in the USA, Myhill, (2006) also cited leadership as vital to shoring up the community policing approach as a mainstream

activity, where top level officers needed to be seen to embrace this as a legitimate form of policing.

This is replicated in other forms of community justice, such as community justice centres (Mair and Millings, 2011) and in restorative arrangements, which require clear co-ordination of a range of vested interests and expectations (McCold and Watchel, 1997; Zehr, 1990). Vested interests may become competing interests, where conflict arises due to different agendas informing the solutions to problems. The aim of 'community engagement' further emphasises that community justice initiatives aim to achieve more than what could be described as the core functions of the police, courts or restorative justice arrangements. There is a view that these approaches can encourage local residents to engage, through consultation and outreach initiatives, and can place responsibility on local residents for their safety. Again, we can see examples of policy and practice which aims to build on and possibly further develop existing networks and partnerships in any given location, under a remit of localism and of making use of existing resources. This can be viewed as examples of innovation, reaching out to local residents, appealing to their sense of citizenship and developing reciprocal relationships to solve problems. However, it could also be seen as placing responsibility on citizens, absolving the state from its obligations, which in turn reduces costs in public spending. Therefore, it is interesting to examine the implementation of community justice centres and community courts in the UK, as examples of community justice implemented during times of political change and shifting priorities.

### **3.5 Community Justice Centres and Community Courts**

Community courts emerged in the USA in the early 1990s, the first being the Midtown Community Court in Manhattan. During this time, there was a focus in policing on low-level crime, as manifest in two very different approaches - zero-tolerance policing founded on the 'broken windows thesis' (Wilson and Kelling 1982) and community policing models. Arguably, the introduction of community courts aligns more closely with community policing, as it focuses on problem solving, working in partnership and engaging with local residents (Cleary, 1999). In addition, where visible patrol is vital component in community policing, community justice centres offered a focal point in city districts, such as Midtown and latterly, Red Hook, in Brooklyn. The Red Hook

Community Justice Centre (RHCJC) delivered justice and provided a range of support services for local residents, such as peer learning and social activities for young people, drug and alcohol treatment and access to education and training (Llewellyn-Thomas and Prior, 2007). An evaluation of RHCJC demonstrated it had met its aims of transforming the local community, from a district described as deprived and unsafe, to one which, 10 years later, became a place where residents felt safe and reported greater confidence in the justice system. The centre had become a 'prominent fixture in the Red Hook neighborhood' and 'arguably the best known community court in the world' (Lee et al, 2013:3).

The core functions and broader aims of the court were intended to administer justice and address offending behaviour, but also to improve the quality of life for residents, offering a 'dual commitment to changing the lives of individual offenders and the quality of life in communities' (*ibid*, p.3). This was to be achieved by dealing with minor misdemeanours and offering alternatives to custody and fines. Offenders were also strictly monitored to ensure compliance with their sentence, which could include treatment for health issues such as addiction to drugs or alcohol, social services for other forms of support required and access to work placements (*ibid*). Deterrence was also a key component of the principles of the CJC, alongside interventions to address offending behaviour all to enhance the legitimacy of courts and justice in the USA. At the Red Hook Community Justice Centre, the judge would ensure that even the most minor offences faced a 'meaningful sanction' as soon as possible after leaving court (*ibid*).

With problem-solving approaches as a core function of CJsCs, it is useful to examine the six principles, providing a framework for this approach (Wolf, 2007). *Enhanced information* enables magistrates to make informed decisions on sentencing, which meet expectations of justice, and makes use of local resources to prevent further offending. This works hand in hand with an *individualised justice* approach, to make use of the range of sentencing options and court-ordered treatment available, in *collaboration* with others to manage offenders and increase trust in the CJS. *Community engagement* (as explored in the previous chapter) is another principle, which acknowledges the role of citizens in the administration of justice to deal with crime, which affects them, as a local problem to be solved. These principles are

intended to make the system of justice more *accountable* to the wider community, especially in dealing with low-level offending and non-compliance with court orders. These are both important *outcomes* to show effectiveness and demonstrate that courts are striving for continuous improvement (Donoghue, 2014). Alongside this, engagement with the community was needed, in order to enable offenders and local residents to identify themselves as law abiding, by feeling a valued part of the community. This was to be achieved in Red Hook through outreach programmes to bring residents together, such as a youth baseball league and the regeneration of community parks, aiming to improve the physical environment and enhance informal social controls. The sanctions were intended to also offer a form of reparation, for the harms caused to the community by crime, as part of the process of justice (Lee et al, 2013).

In 2005, the Red Hook CJC model was piloted in North Liverpool and Salford. As with the Red Hook model, the court was housed in a purpose-built centre, located in the community they served and incorporated a range of support services and facilities for local residents. In North Liverpool, the criteria for selecting a site to build the centre were determined by levels of deprivation, recorded crime, truancy and school exclusion rates and the existence of community activity. The aims of the NLCJS were to reduce low-level offending, anti-social behaviour and fear of crime, increase public confidence and victim satisfaction in the CJS (Llewellyn-Thomas and Prior, 2007). In November 2006, the Government announced plans to launch 10 new Community Courts, across England and Wales, based on the model adopted in Salford, where the new courts would make use of existing resources, rather than providing a purpose-built centre. For example, in Birmingham cases are heard in the city centre law courts, for offences taking place in north Birmingham areas of Lozells and East Handsworth, two of Birmingham's most deprived districts. An evaluation of the North Liverpool community court centre (*ibid*) emphasised that a key aim of improving the local community necessitated that the court be located within community it served. This same principle applied in the Red Hook model, as an important part of being accessible and therefore able to engage local residents. It also aimed to support the processes of working in partnership with other agencies and local service providers.

The evaluation by Llewellyn-Thomas and Prior (2007) presented evidence of positive outcomes in relation to how residents felt, particularly in relation to having access to resources and services local to them. However, among residents, awareness of the centre was low and did not gain a lot of traction during the evaluation process (*ibid*). The evaluation of the NLCJC also reported that it had an impact on residents' confidence in the CJS more generally, as a slight increase (of 4%) was reported among respondents, which goes against the recent national trend of a general decrease in confidence (British Crime Survey, 2005). Similar outcomes were evident with the implementation of the Salford Community Justice Centre, which had an additional aim to promote early intervention for offenders and restorative justice practices. As with the NLCJC, an evaluation showed there was initial confusion over the function of the Salford CJC, although community engagement initiatives did contribute to improving levels of confidence in the CJS, and particularly the court system (Brown and Payne, 2007).

A more timely and focused evaluation of the NLCJC (Mair and Millings, 2011) paid more attention to the ability for such initiatives to engage citizens, given it is a difficult outcome to measure so soon after implementation. This research follows that of a similar study in the USA (Lee, 2000) who assessed to what extent community courts could contribute to cohesion in communities, with a focus on their problem-solving aims, as well as levels of engagement. Both Mair and Millings (2011) and Lee (2000) recognized the important focus on local issues, but that the solutions to problems experienced in communities needed to be understood in the context of broader political, economic and social circumstances of that community. However, Mair and Millings (2011) research did emphasise the value of the NLCJC as combining 'a unique court process with wider community resource provision' (p.3), designed to improve the relationship between other CJS professionals and the community they serve. The important elements to support this were to have a problem-solving approach in the delivery of justice, supportive and aspirational leadership, and co-location with other agencies in order for the centre to be both a useful resource and focal point for the community.

It could be argued that the development of community justice centres and courts reflects an expansion of policies such as Neighbourhood Policing and restorative

justice to increase public participation in crime and justice, in the form of taking responsibility for crime prevention, consultation exercises or active participation in the delivery of justice (Grimshaw, 2004; Faulkner 2003). It is also suggested that in deprived communities, citizens will have an insight into crime and justice issues, through direct experience as victims, witnesses and offenders (Roberts et al, 2003). This could be important motivation to engage citizens to work with the state to solve problems, to understand they can be part of improving their quality of life. However, given that responses to crime will include victim blaming and targeting excluded groups as responsible, experiences of crime and fear of it occurring can undermine efforts to engage citizens to accept new ways of doing justice. The emotions provoked by direct and indirect victimisation could bring people together against the harm (Mead, 1918; Shapland, 2008), or, could further divide citizens. The political will to innovate in delivering justice can be undermined by the view that it needs to be a stabilising force (Rawls, 1971), to uphold the law and moral values that maintain cohesion. Therefore, justice remains as a means by which to dispense punishment, and potentially also removal of the problem, i.e. the offender, and not as a means to address their needs. These issues are explored in more detail in the next section but must also be understood in the context of the findings of evaluations of innovations such as the NLCJC (Llewelyn-Thomas and Prior, 2007; Mair and Millings, 2011). This is important in order to understand that such innovation in criminal justice policy requires time, resources and efforts to inform citizens, to be able to gain their acceptance and support.

It is also important to note that these are not radically new ideas or innovations as community or problem-solving courts are not the first example of courts to address specific types of offending or to offer a different approach. Kerr et al, (2011), discussed the emergence of specialist courts such as Drug Courts, which also originated in the USA, in the late 1980s, and offered treatment orders for defendants where their substance use was problematic and clearly linked to their offending behaviour. Specialist Domestic Violence Courts (SDVCs) were introduced in Scotland and the rest of the UK in 2005, to deal with the specific issues raised by domestic abuse cases, the need for a multi-agency response and protection for victims (Lewis, 2004). These courts were seen as part of a wider approach to enable courts to act as problem solvers, going beyond their role in the administration of justice, to make use of the

opportunity they have to engage in a dialogue with the offender and to also consider the impact of their behaviour on victims and communities (McIvor, 2009). As with the Red Hook model, this approach advocated strict monitoring process, involving the judge working in partnership with other agencies and to more effectively combine the sanction with changing offenders' behaviour.

In addition to the evaluations of the NLCJC and similar problem-solving court models, Bowen and Whitehead's (2013) research into 'better courts' suggest that more innovative, fairer, faster and 'people focused' courts can cut crime and make the court system more efficient. They do acknowledge that there is resistance in the judiciary to significant change, however, the examples of innovation such as the NLCJC are encouraging. Their research highlighted the value of diverting low-level disorder offence cases to restorative programmes, ensuring victims are better supported through specialist courts and providing advice and treatment options to problematic drug and alcohol users or those with mental health issues. According to Bowen and Whitehead (2013), four key principles underpin these innovations – fairness, focus on victims and offenders as people needing help, authority in sentencing decisions and acting swiftly in response to breaches. While the legal framework of the court system can allow judges to dispense punishment and monitor compliance, the research into more innovative practice did highlight that this legal framework could also be a constraint as could the lack of resources available to judges and partners working to solve problems (*ibid*).

Ward (2014) has identified the growth of community courts, in the UK and other countries as an important development in criminal justice policy, even though in the UK, the courts have evolved to be a different model from CJsCs. She cites that a key components of community courts, along with a problem-solving approach, is 'therapeutic jurisprudence' (p2). This is represented by court processes which enable offenders and others to develop different self-identities where they engage in lawful and purposeful activity, or 'a criminal justice model that has well-being at its core and puts a human face to the delivery of justice' (p2). This aligns with desistance theorists who emphasise the need to consider both individual motivation and external factors which can help or hinder a shift in self-identity and labelling of offenders by others (Maruna, 2001; King, 2012). External factors will include broader structural conditions

which determine whether ex-offenders are able to access what Laub and Sampson (2003) refer to as 'institutional turning points', for example employment, having a family or joining the military. In addition, Farrall (2002) links desistance to social capital, in the form of networks and resources available in a community which can support individuals who are motivated to change, and it seems that CJs and community courts offer a means by which to provide this (Karp and Clear, 2000; Ferguson and Mindel, 2007). Along with the use of courts as a setting to solve problems and address the causes of offending, the community engagement efforts by court staff can also create conditions which enable desistance, through informing local residents about this new way to do justice which keeps them safe by reducing re-offending (King 2012).

In a more recent analysis of specialist courts, Donoghue (2014) has examined how problem-solving approaches have been used as part of the process of justice, specifically to inform sentencing decisions. Donoghue (*ibid*) also emphasises the need for training to enable magistrates to grasp the different processes of justice which aim to punish offenders but also to repair harms, given the scepticism present in the judiciary about such changes (Bowen and Whitehead, 2013). However, even with the 'therapeutic' ethos, the focus on the causes of crime and on the interaction between self-identity and structural factors to aid desistance, there is still a lack of attention paid to problem-solving approaches. In comparison to adversarial justice, retributive punishments and justice as a mean to deter others, problem-solving is still not widely adopted, therefore restricting the opportunities for empirical investigation to examine their effectiveness. That said, research by the Ministry of Justice (2014) has examined the work of the Plymouth CJC, assessing outcomes of reducing reoffending, the benefits of co-location of services and broader impact on the local community. While the reduction in re-offending for cases going through the CJC was not defined as significant (41% compared to control group cases of 32%), it was acknowledged that this was an encouraging impact and that it was important to identify the specific aims and characteristics of CJs which contributed to this. These aligned with Wolf's (2007) six principles, in the form of having access to information about defendants so that magistrates could make more informed decisions and tailor the options available to them to meet the defendants' needs. Co-location was represented by staff offering legal advice, with police officers to manage meetings and proceedings, along with a



local charity, the Plymouth Community Advice and Support Service (CASS) to offer access to support and resources.

A study by Annison et al (2013) identified some of the problems with the implementation of community justice principles in magistrates' courts. These were inconsistencies in determining which cases were suitable for problem-solving approaches. The research also reported on a lack of confidence among magistrates in this new approach. There were other variations in practice, described as a 'lottery' in sentencing decisions and engagement with the problem-solving approach. Because of these issues, the therapeutic aims of the problem-solving approach were constrained by sentencing guidelines, which magistrates felt bound to follow. There were also some limitations on the ability for court staff to deliver problem-solving approaches, as they could only signpost defendants to additional services, rather than taking a more proactive role, or having access to services co-located in the court. The research also identified 'feel good factors' and a 'pioneering spirit' as contributing to a sense that this approach in the court was effective and crucially, was making a difference to defendants' lives (*ibid*). Magistrates felt something was being done to address the 'revolving door' element of the justice system, in part through problem-solving but also by instilling more responsibility in defendants to make changes. This research emphasises again the potentially transformative effects of using problem-solving approaches in courts, and the limited scope given the variations in implementation, legal restrictions and services available in the local community which could support this approach. Prior this research, Gilling and Jolley (2012) presented evidence of additional challenges in making a 'case for community courts', due to problem-solving approaches in the court not being fully implemented. This was manifest in magistrates not making use of the full range of sentencing options, which offered the means to utilise partnerships with external agencies. The research also emphasised the wider social policy context which existed and demanded that courts be less bureaucratic and more efficient, as embedded in the ethos of New Labour and the principles of managerialism. Another interesting finding was that along with some resistance from the judiciary, defence solicitors and probation staff were also reluctant to engage with problem-solving approaches, with the latter seeing this as encroaching on their 'therapeutic' and problem-solving role.

These more recent studies offer insight into the benefits and challenges of using problem-solving approaches in the courts, to reflect the principles of community justice. This can occur in a setting where the legal requirements of due process converge with meeting the needs of victims and defendants, but also where the decisions by magistrates are subject to external scrutiny from the press and public. It is possible to see how success in this venture can be viewed as 'pioneering' and innovative, but also constrained by the need for magistrates to be seen to deliver justice, as it is understood and accepted outside the courtroom. These issues are discussed in the next section as just some of the difficulties which community justice initiatives face, along with perceptions of their effectiveness, their representation in media and the politicisation of law and order.

### **3.6 The shifting sands of community justice**

This section examines initiatives in community justice discussed in this chapter in the context of broader structural and political changes that have impacted on the implementation of justice being done in the community. This is done to chart the changing priorities of governments which have dictated criminal justice policy aims, such as the focus on victims, managerialism and shifting political ideologies. Christie (1977) proposed that reform in the CJS change was particularly important for victims, suggesting that they have 'lost the case to the state' (p3) in that they are represented by others, and they lose full participation in proceedings which will have a significant impact on their wellbeing. Placing the pursuit of justice solely with the courts and therefore, in the hands of lawyers means the interests of both parties are at the behest of who can win the case, not necessarily to resolve conflicts, or offer pragmatic solutions to problems (Karp and Clear, 2000).

In addition, Christie suggested that victim-centred courts could reform the justice system, but also offer ways to use justice as a stabilising force (Rawls, 1971) in the community. However, while victim perspectives in justice are important, the emotions and trauma felt by them could lead to disparity in the response to crime (Goodey, 2005). Some victims will be supported by their local community, whereas others may be blamed, for putting themselves at risk (Walklate 1995). Despite these issues, the political advantage of adopting victim centred approaches is represented by promises

of reform in government papers, such as New Labour's 'Justice for All', promising to 'rebalance the system in favour of the victims of crime' (Home Office, 2002:11). The 2010 Conservative manifesto promised to 'put the criminal justice system on the side of the public' (p.56), suggesting that the CJS under New Labour let down victims of crime and that sentencing policies were 'dishonest and misleading' (p.57). This rhetoric also featured in previous manifestoes and papers as vital to dealing with the fear of crime and improving confidence in the CJS (Jackson, 2004). These manifestoes present policy ideas which seem to appeal to citizens and victims' sense of justice, especially with reference to sentencing decisions.

These priorities reflected the continuing implementation of 'New Public Management' (NPM), developed during the 1980s. It took hold in social and criminal justice policy, with the promise of increasing efficiency and effectiveness (Dunleavy and Hood, 1994) and continued during the New Labour government (McLaughlin et al 2001). This approach is critiqued by Haque (1999), who suggested a need for a new 'ethical discourse' in public sector service provision, to shift policy makers and governments away from NPM, and the focus on competition, efficiency and managerialism 'and to articulate a set of ethical standards appropriate for the public service' (p471). These standards would reflect Rawls' (1971) call for justice to be a stabilising force and would be based on the principles of citizenship, welfarism, accountability and equality. However, NPM was continued in the law and order policies of New Labour, who also increased efforts to include the private sector in the delivery of social policy. It was proposed that this ethos paved the way for innovation and creativity in practice, which included shifting the problems associated with crime away from reliance on state intervention (Diefenbach, 2009). Clearly, this was politically driven, by both the Conservatives and New Labour who extolled the virtues of NPM. They aligned with acceptance of neo-liberalist economic structures, change management approaches in private sector, and enabled a focus on reducing waste and bureaucracy in service provision (*ibid*). However, there are contradictions inherent in NPM, in terms of promoting and claiming to manage change and innovation, while also advocating national standards and consistencies in service provision. There are claims of decentralisation but in reality, policies, budgets and standards are set centrally and dictated from top down governance, with clear hierarchical structures (*ibid*). The relationship with employees has also changed, as they are more closely monitored

and assessed through regular appraisals, but also asked to be more pro-active in their work and come up with new ideas in an 'entrepreneurial' spirit. This occurs, even more so with the advent of austerity measures, in a climate of reductions in resources, for services who are accountable to government and the public as to how those resources are used (Butterfield et al, 2005).

The ethos of NPM has implications for the aims of 'community engagement' in social and criminal justice policy, the latter requiring citizens to assist the state, accept innovations in justice and to take responsibility for their own safety (Mair and Millings, 2011; Myhill, 2006). It is argued that engaging citizens needs to remain a part of community justice, to enable ex-offenders to be resettled into places where they are not stigmatised (McCold, and Watchel, 1997). In addition, if engagement in civilian policing schemes is to be held up as an example of social capital in action (Green et al, 2000), NPM could undermine this as such activities are not quantified and measured as successful and effective outcomes. If community justice initiatives promise to overcome perceptions of a loss of 'community', and bring back a sense of belonging, safety and trust, it is clear why failing to do this undermines their value overall. This perhaps explains why such a variety of programmes, initiatives, projects, philosophies and approaches exist and have come and gone under the remit of 'community justice.' In contrast to more accepted notions of justice being done through custodial sentences, via the courts and arrests by the police, community justice is perceived to offer less and lacks credibility. There are political points to be gained in not only adopting NPM, but also in presenting justice which appeals to citizens' sense of feeling in control and safe, through victim centred policies, actuarial approaches in offender management (Kemshall, 2008) and punitive responses which promise public protection (Tonry, 2004; Nash, 2006).

The credibility of innovation in justice is bound by quantifiable measures of success, and this in turn is difficult to extricate from a focus on re-offending rates. This is despite the complex nature of meeting offenders' criminogenic needs, which cross social, economic and psychological factors (Hedderman 2013). Finding programmes which show significant outcomes in reducing re-offending is difficult, and therefore, the most appropriate conclusion must be that some interventions work for some offenders, depending on their needs and the support they can access beyond the remit of the

CJS (*ibid*). As desistance theorists have suggested, a focus on reconviction outcomes disregards desisting from crime as a process and overcoming a series of challenges (Maruna, 2001; King, 2012). This emphasises the limitations of the CJS and the promise of cutting crime as central to its purpose especially as reconviction studies themselves are not accurate accounts of the success of policies, as similarly to crime rates in general, they only measure what is recorded and where a conviction in court occurs (Brand and Price, 2000; Garside, 2004).

Karp and Clear (2000) chart the emergence of community justice in America in the 1990s, as a response to calls for reform, identifying its core principles focusing on problem-solving approaches (short and long term). It also aimed to reintegrate offenders, support victims, repair harm done to communities and engage citizens in the processes of justice (Bazemore, 1997; Wolf, 2007). It is suggested that community justice offers a means by which communities can exert informal and formal social controls, without reliance on the state, but instead in partnership with criminal justice and other agencies. At this time, it was also proposed that community justice could address inequalities and enhance quality of life for all citizens (*ibid*). Nellis (2000) has suggested that community justice is in some ways a form of utopian realism, but that there is more potential in community justice when applied to court settings (see also Mair and Millings, 2011; Donoghue, 2014; Ward 2014), compared to its application in situational crime prevention methods. Community justice was seen as a means to address the 'failures of contemporary criminal justice policy and, in particular, the alarming over-reliance on imprisonment' (*ibid*, 2000:69). During the 1990s, Radzinowicz (1991) argued that the CJS became embroiled in moral panics relating to violent crime, revealed increasing class divisions and lacked focus on the reintegration of offenders. Along with a loss of a 'sense of civic duty', Radzinowicz emphasised the approach to crime as becoming more authoritarian, to alleviate citizens' fears, as represented by increased amounts of legislation and criminalization of behaviour. With this occurring alongside adoption of NPM, the principle aims of community justice are easily overridden by other priorities, driven not by genuine need and experience of crime, but by exploitation of fears and the promise of protecting law abiding citizens.

Cohen's (1985) proposed a vision of reform in the CJS based on investment in and learning from research, to include evaluations of policy and practice which would refine the CJS and make the system more 'capable of being humanised by good intentions and made more efficient by the application of scientific principles' (1985:18). This optimism and regard for evidence-based policy making seems to have been overridden by competing political interests and the use of law and order rhetoric to generate acceptance of authoritarian responses to crime. Actuarial approaches have seen a shift from an ethos of duty of care for clients in probation, towards probation officers being public protection agents (Nellis, 2000). Additionally, in policing, zero tolerance approaches and a focus on crime prevention using technological innovations have been promoted alongside community policing, despite the former leading to unintended negative consequences (Bowling, 1999; Newburn and Jones, 2007; Lewis, 2010). Community Safety was viewed at this time as a combination of appealing to citizen fears by focusing on crime prevention, but also attempting to place responsibility for this beyond the state, to include the third sector, private sector and citizens themselves (Squires, 2006). In addition, the inclusion of the private sector has transformed community safety into a commodity and a resource for those who can afford it, through private security and gated communities, much like those who can pay for their own transport, healthcare and education of their children (Demos, 2002; Dorling and Rees 2003). Nellis (2000) raises concerns for those citizens who cannot afford technologies to keep them safe and live in communities where this is unlikely to change. This represents citizens in communities where 'hope dies and nihilism sets in' (*ibid*, p.70), which has serious implications for community justice interventions wishing to engage these groups and instil responsibility in them.

The 2008-2011 strategy from the Home Office (2007) to cut crime had an overarching aim to learn lessons from the 1990s, and to respond to new challenges of the 21<sup>st</sup> Century. The specific strategies included focusing on violent crime, sexual offending, anti-social behaviour and a stronger focus on young people and young offenders, working with schools, local authorities and the police. There was also a proposal to continue to address re-offending, especially among prolific offenders, and to use the CJS to deter and rehabilitate, as a means to increasing public confidence. The strategy promoted the need for partnership working, at national and local levels, promising more flexibility for local agencies to respond to local need.

In conjunction with the 2008-11 Home Office strategy, New Labour presented the Department for Communities and Local Government White Paper (2006:7) on '*Strong and prosperous communities*'. This proposed to 'revitalise' local authorities, through partnership working, consultation with local residents, assessing local needs and a reduction on top-down governance. Among its recommendations, it was suggested that local authorities could use existing frameworks set up by neighbourhood policing teams and Crime and Disorder Reduction Partnerships (CDRPs). The paper emphasised the value of communities being represented by 'strong' local councillors, proposed the provision of training opportunities and identified the need to look into current citizen participation incentives and barriers. Along with continued economic development, improvements to public transport and other infrastructures, the paper emphasised that community cohesion also requires adapting to increasing ethnic, racial and cultural diversity (DCLG, 2006). The strength of this paper is the acknowledgment of the need for better consultation mechanism with citizens to address local issues which matter to them. It also recognised the need to deal with broader structural issues such as provision of transport and other amenities, economic investment and managing the integration of ethnic groups.

While there is acknowledgement of the need for investment in other services, there is an emphasis on attempting to engage citizens through solving the problems associated with crime, as a starting point. This places community justice firmly as part of the 'community safety' agenda and promotes active citizenship and collective efficacy as foundations for this policy. However, given that incidences of crime are emotive and conflict-ridden situations, where there is potential for blaming and demands for removal of the problem, assuming this can be a good starting point to generate cohesion is problematic. As shown in the ODPM (2004) and Cantle (2001) reports on the Burnley, Oldham and Bradford riots of 2001, and research by Shapland (2008) and the Riots, Communities and Victims Panel, 2012, the unifying response to incidences of public disorder can be at best temporary effect.

The House of Commons Justice Committee (HOCJC) (2010) produced a cross-party report on the need for reform of the CJS. They promoted this as 'justice reinvestment' and in this endeavour, identified several issues which further emphasise the scope of

the challenge of innovation in justice. Along with the complexity of the CJS, there was a focus on the need to reduce the prison population and recognition of the detrimental effect of populist punitive ideals promoted by the media. They also proposed that organisations outside the CJS could have a more prominent role in preventing crime and re-offending. These are not new proposals for reform, but being a cross-party report, do at least start to acknowledge that significant and even radical change is needed both within and beyond the CJS. Sentencing practice and a focus on rehabilitation was another issue highlighted by the HOCJC report, specifically the committee emphasised that without this, reducing re-offending would become unattainable goals for the CJS and NOMS (*ibid*).

However, it is important to note this report came out just as austerity policies were being introduced and therefore, the thinking behind the reform was not just an attempt to tackle re-offending, but also to reduce spending. An interesting term which came out of the report was 'prehabilitation' which was intended to be represented by a 'prudent, rational, effective and humane use of resources' (House of Commons Justice Committee, 2010:6), to reflect efforts to prevent both offending and re-offending. Cavadino *et al.*, (1999) have suggested that while human rights, fairness and due process are embedded in approaches to rehabilitate offenders and support victims, they are not central to government policy. Instead punitive and managerialist approaches dominate, and this appears to be the tone of this quote by the HOCJC. Allen (2011) reflected on the 'justice reinvestment' concept, in that reducing the use of imprisonment required a set of measures and meaningful implementation of alternatives. These alternatives would be represented by intensive community-based supervision, diversion from court, treatment for addiction and mental health issues and a reform of sentencing practice to reward compliance with early release.

However, it remains difficult to see community sentences as alternatives to custody in light of research into the use of community orders, which were introduced to consolidate a range of non-custodial sentences (Mair et al 2007). This revealed the occurrence of 'up-tariffing', raising the level of punishment, for example from fines to community sentences (e.g. Hough et al. 2003). This was attributed to sentencers requiring that community penalties are seen as credible forms of punishment. In addition, research has previously highlighted the dangers of magistrates being given



the opportunity to add conditions and requirements to community sentences, as this 'overloading' could place increase the risk of non-compliance (Hedderman et al 1999; Bottoms, 2001; Ugwu-dike 2010). However, a report by Mair et al (2007) on sentencer's attitudes towards new community and suspended sentence orders recommended that these additional requirements and conditions should be available to all judges. They emphasised the need to raise awareness of the various options, given that probation officers had access to this information, and that such access would encourage and enable innovation. The report showed that sentencers themselves were aware of the risk of non-compliance, and of the pressure to divert offenders from custody. They reported on the additional pressures placed on probation staff, responsible for managing offenders and co-ordinating access to services in the community (*ibid*).

In addition, cuts to frontline probation staff seem to have an impact on sentencers' decisions. This can undermine community penalties status as an 'alternative to custody', as magistrates and judges are reluctant to add to the caseload of the probation service, where there has been less investment compared to the prison system (King, 2012). Another particularly problematic feature of up-tariffing was that offenders who would have previously been given community sentences were instead given short term prison sentences, representing a group who have received the least attention in relation to rehabilitation (Fletcher, 2003). They are more likely to be reconvicted and experience prison as time spent in their cells, with no access to education, training or work experience (National Audit Office, 2010). Fletcher (2003) also refers to the plight of those offenders diagnosed with mental illness who should be diverted from custody, where they cannot always access treatment and it represents a costly way to manage such offenders. There was also a flow of prisoners from deprived communities, as shown by the Social Exclusion Unit (2002), which is a continuing trend, according to the Commission on English Prisons Today (2009). Indeed, the HOCJC (2010) report did acknowledge that continuing along the lines of punitive response to crime, particularly for more vulnerable and already disadvantaged groups will 'only prolong their exclusion and hinder their rehabilitation' (p. 67). Allen (2011) also examined the role of community courts and CJsCs in the 'justice reinvestment' approach, in that they offer a means by which courts must think differently about their decisions, to consider problem-solving approaches, engage in

dialogue with defendants, and work in partnership with local agencies. He questioned whether this approach could persuade judges of the credibility of using community sentences and community resources as alternatives to prison, or if this would still be viewed as a 'soft option.' Such a change would also require changes in laws and policies, which inform sentencing guidelines, to make a genuine attempt at reversing the trends in up-tariffing (Mair et al, 2007).

The views from probation officers and court staff about implementing community penalties with additional conditions was another important aspect to Mair et al's (2007) study. This revealed concerns about the provisions of resources locally to support conditions prescribed in sentencing packages, as both groups identified waiting lists for alcohol misuse treatment, and sex offender programmes, affecting compliance with sentencing conditions. Given the need for innovations in justice to offer this sort of support and do it in a timely and effective way (Bowen and Whitehead, 2013), it is clear that broader issues with funding of local services impact on the ability to deliver justice in the community. However, these accounts also identified more worrying issues, in that while it is a concern that treatment relating to sentencing conditions was delayed, probation officers also revealed problems in meeting offenders' basic needs of accommodation and employment. It seemed these needs were beyond the remit of community penalties, despite clear evidence of their impact on re-offending, identified by Mair et al (2007), from a report by the Social Exclusion Unit (2003).

A review by the Centre for Justice Innovation (CJI) (2015) re-examined problem-solving approaches, in light of the Lord Chancellor Michael Gove, announcing plans to pilot this approach in England and Wales. The CJI report emphasised the value of problem-solving courts, similarly to previous evaluations of community justice centres and community courts (Llewelyn-Thomas and Prior, 2007; Brown and Payne, 2007; Mair and Millings, 2011 and Annison et al 2013). A distinction between these evaluations and the international review stemming from Michael Gove's proposal of adopting this 'new' approach was the focus on the specialisation aspect of courts. Evidence showed that focusing on mental health issues, substance misuse and domestic abuse was particularly fruitful in reducing re-offending and improving compliance (CJI, 2015). The evidence from the CJI review also refers to positive outcomes for groups described as having complex needs, notably female offenders at

risk of going to prison, and young adults. This was attributed to the features of the problem-solving courts enabling procedural fairness (as a way to ensure compliance), being delivered in a more therapeutic environment and focusing on offenders' criminogenic needs, as identified by Ward (2014) and Donoghue (2014). The review also identified some issues, relating to concerns about net widening and once again, overloading of conditions on sentences leading to non-compliance. It also suggested that innovations in justice need to be mindful of the scope of their aims and not to 'overpromise' on outcomes (*ibid*, p.30). Clearly, Gove's suggestions were not new ideas, nor were the issues raised by the CJI (2015) review. In addition, the concerns about the scope of such innovations have been raised time and time again, from debates about the use of 'community' in social policy (e.g. Mair, 1995; Hughes and Rowe, 2008). This includes the contestability about the aims of justice delivered in community settings (Karp and Clear, 2000; Wolf, 2007; Donoghue, 2014; Ward 2014).

In addition, further to their 'Justice Reinvestment' report in 2010, the House of Commons Justice Committee (2015) emphasised the risks of allowing the prison population to increase, in both financial terms and in the continued use of resources, which are ineffective in rehabilitating offenders. There was also a view that resources were being diverted from investment in interventions and diversionary initiatives which have proven to be effective at reducing re-offending. The HOCJC report suggested there was a 'need to re-evaluate how custody, and alternatives to it, are used in a cost-effective way which best promotes the safety of the public and reduces future crime' (2015:7). Alongside this, was a need to extricate criminal justice policy from the political rhetoric of being 'tough on crime' by shifting CJS sanctions away from an ethos of punishment as retribution and to deter others, towards problem-solving approaches. There is clear case made here to examine the potential transformative effectiveness of community justice as it is manifested in problem-solving approaches, to offer justice which is 'socially meaningful', as opposed to predominantly a process of retribution and punishment (Donoghue, 2014: 141).

### **3.7 Summary and conclusions**

This chapter has examined the foundations and evolution of justice and how it is implemented in the CJS in community settings (Rawls, 1971; Nellis, 2000; Karp and

Clear, 2000; Wolf, 2007). Doing justice in the community is represented by a raft of responses to crime, from policing and sentencing practice to the management of offenders and support for victims. These policies which have also been implemented in accordance with politically driven rhetoric to deal with the 'problem of crime', and those responsible for the CJS have also concerned themselves with public attitudes in the form of trust and confidence in the various agencies responsible for protecting them (Jackson et al, 2009). As well as being politically driven, responses to crime must be examined in the context of broader inequalities and social problems, which create a diverse range of conditions in communities. A function of the justice system was, according to Rawls (1971), meant to respond to the corrosive effects of crime on civil life, and for Christie (1977) this required greater inclusion of those directly involved, the victims, to have a say in resolving conflicts and preventing re-offending. However, the policies and practices of the CJS have evolved in a very different way, where justice has become primarily bound in punishment and the control of crime through situational methods, with less focus on social justice and welfare approaches (Garland, 2001). As discussed in section 3.1, it is important to reiterate here the foundations of Rawls' (1971) thinking, of justice as a process to secure rights and uphold civility, which should therefore, not be politicised. Saward (2003) examined Rawls' legacy, emphasising how he valued liberty and equality of opportunity as core principles of justice, and required to ensure social co-operation. Christie (1986) presented victims as having an unambiguous status, which supersedes that of offender, in terms of need, and envisioned this as informing restorative practice in the justice system. Conversely, according to Simon (2007) this position has been adopted to garner support for repressive measures in the justice system of the USA.

In the previous chapter, the issue of engaging citizens in the process of justice was examined in the context of 'community' as a foundation for policy' and with 'community engagement' as aim of such policies (Karp and Clear, 2000; Wolf 2007). However, theorists such as Hopkins-Burke (2014) reiterated in his radical moral communitarian perspective that it is reasonable to ask citizens to work in a reciprocal way with the state, if their basic needs and rights are met. While Rawls' (1971) and Christie's (1977;1986) perspectives on justice would seem to offer a system which can be fair, inclusive and effective, broader structural inequalities and political ideologies have meant this vision has not been met (Garland, 2001). Radical perspectives

acknowledge that meaningful reform in the system of justice would require broader change so that the CJS operates in a fairer and more equal society (Fraser, 1997; Young, 1999). Again, we see a very different evolution, where the reform of the CJS focuses on efficiency and effectiveness, enshrined in the remit of new public management (NPM). This has occurred despite the concerns raised about the legitimacy of the justice system in reducing re-offending (Garland, 2001), reassuring the public (Jackson et al, 2009) and the administration of justice (Raine and Keasy 2012; Bowen and Whitehead, 2013). The core functions of the CJS are presented as a necessary response to crime and anti-social behaviour (Garside, 2006), to uphold laws and alleviate the emotional responses to crime and the fear of crime (Jackson, et al 2009). The reach of the CJS has widened its net to include minor infractions that affect overall quality of life for citizens where punishment occurs in a range of settings (Foucault, 1977; Garside, 2006) and is focused on public protection and reducing risks (Garland, 2001; Kemshall, 2008). As this has occurred alongside increasing inequalities and decline in industry which has affected whole communities, the challenges for implementing community justice to fix the problem of crime and engage citizens in this process have grown.

Community justice offers an alternative to adversarial systems, for example, in community courts, justice becomes a process of solving problems, and not about winning a contest (Karp and Clear, 2000). The principles of community justice have led to changes in policing and courts as well as being the foundation for the management of offenders. They also incorporate the engagement of local citizens, outreach work by criminal justice agencies and shift the delivery of justice from central to local control (Mair, 1995; Bazemore, 1997; Karp and Clear, 2000; Nellis, 2000; Wolf, 2007; Rowe, 2008; Hine 2014). Local governance and delivery of justice aligns with care and community models of criminal justice, which bypass central government priorities and ideology, along with the influence of national media reporting (Grimshaw, 2004). Others have suggested that community justice initiatives can address the 'crisis of legitimacy' (Garland, 2001) and re-build trust in CJS practitioners (Bowen and Whitehead, 2013). In the USA, community justice was labelled a 'movement', representing a shift to localism, use of restorative practice and problem-solving (Braithwaite, 2003; Mansky 2004). Courts in the form of community justice centres in

the USA, and briefly in the UK, became a resource for citizens, to respond to crime and to prevent crime and support citizens (Berman and Feinblatt 2001).

Victims are of course an important part of this approach, as is apparent in the use of restorative practice, but also to ensure victims are supported outside of these arrangements. This is done in part through using initiatives to prevent crime and make residents feel safer, through situational crime prevention initiatives (Clarke, 1997). However, such measures will exclude those who cannot afford to take responsibility for their safety, and those who are trapped by circumstance, and face social disadvantage such as the homeless or problematic drug and alcohol users (Walklate, 1989; Carrabine et al, 2004; Dixon et al, 2006). Victims remain a focus of criminal justice policy, and while it can be claimed to be their right to have a voice in the process of justice, they are also important to governments and policy makers who want to be seen to be dealing with the problem of crime. Campaigns which change legislation such as Sarah's Law and the work of Baroness Newlove emphasise the power of victims' voices and how important it is to appeal to their sense of justice and respond to their expectations. Policies such as victim impact and community impact statements (CIS) reflect an attempt to directly engage victims in the process of justice, to inform magistrates and give victims some sense of responsibility for the outcome of their case (Ashworth, 1992; Davis and Smith, 1994). The Sentencing Council for England and Wales guidelines (2015) emphasised that prevalence as well as seriousness of harm caused needed to be taken into account by magistrates and judges. It also stated that if such information was to then influence sentencing decisions, this can only be done in exceptional circumstances and required the collection of evidence by a third party, for example the police.

There are important policies which fit with victim-focused approaches and community justice principles, but they do also need to be understood in light of research into attitudes towards the CJS and the factors which influence populist punitiveness (Tonry, 2004; Canton 2015). Restorative practice in the justice system is a vital mechanism to support victims, but it also offers a different way to 'punish' offenders, by confronting them with the consequences of their behaviour and then offering them resources and support to make changes (Marshall, 1999; Wright 2006). Restorative justice arrangements also offer an opportunity to directly involve citizens to have a

voice in the process, to see justice being done and further incidences of offending being prevented (Zehr, 1990).

The 'brand' of community justice incorporates victim focused strategies (Christie, 1977), restorative practice (Marshall 1999; Wright, 2006), neighbourhood policing (Rowe, 2008) and community court models, claiming to be more accountable, fairer and to offer additional services and benefits to the community they serve (Karp and Clear 2000; Wolf, 2007; Mair and Millings, 2011; Donoghue, 2014). However, successful reform of the CJS would depend on fundamental structural changes, to create equality in local communities and wider society. Such a shift could mean incidences of crime can then be dealt with without repressive responses which are limited to displacing rather than solving problems (Williams, 1999; Fraser 1997; Young 1999; Dixon et al, 2006). However, the adoption of NPM and risk-based approaches in the CJS of England and Wales would suggest a shift in the opposite direction advocated by the aims of community justice. The dominance of competition, efficiency and managerialism in our justice system prevails (Haque, 1999; Diefenbach, 2009; Corcoran, 2012) and is promoted as the best way to demonstrate justice being done. This is the case even in light of concerns which have been voiced for decades about the widening net of justice and punishment (Foucault, 1977; Cohen, 1985) and the acceptance of crime control and authoritarian methods over those which consider the welfare of offenders and victims (Garland (2001).

Community justice has to compete with policy agendas which promise community safety, public protection, reduction of risk, deterrence and retribution all entwined in a CJS which is the responsibility of the state. The message of community justice as a means to strengthen informal social controls, cohesion and safety through collaboration with others has not taken hold, even with initiatives which have proven to be effective and deliver more satisfying outcomes for those affected by crime. Nellis (2000) suggests that the 'utopian' vision of community justice emphasises its potential to respond to crime as a violation of laws and of harm caused, and to respond to the lack of confidence in the CJS. Community justice has also been promoted as a form of 'social defence' (*ibid*:70) which is more inclusive than reliance on situational methods. Using community justice initiatives such as neighbourhood policing to alleviate the divisive effects of crime and disorder (DCLG, 2006) may be a good place

to start, but to promise cohesion, safety and equality for all citizens requires broader change, acceptance of new ways to do justice and disregard for the rhetoric of being 'tough' on crime. Otherwise, community justice will remain at the periphery of the CJS, as a series of initiatives, projects and schemes, rather than evolving as a legitimate and accepted response to offending.



## 4: METHODOLOGY

This chapter will outline my methodological approach to this research and presents details of the execution of this study. It will set out my theoretical framework for the design of the study and the analysis of the findings, and then describe the research tools used, sampling approach, the phases of the data collection and the analysis. Finally, it will offer critical personal reflection on the study as the research progressed.

This study aimed to explore the prominence of ‘community’ in criminal justice and social policy, where the aims of the policy are promoted as having a local impact, or as a means by which to bring about cohesion. Using a case study of Middlesbrough, it focused on community justice initiatives, led by the police and courts, who work with the third sector and other agencies to manage offenders and support victims. Middlesbrough presents an interesting case to observe these initiatives, as a town which has faced industrial decline and the loss of jobs, with one of the highest levels of long term unemployment in the country and has also recently experienced an influx of immigrant populations. The research aimed to examine the experience of working in the arena of community justice in Middlesbrough, and to attempt to understand more about how both ‘community’ and ‘justice’ are understood in this setting. It also aimed to explore the processes of community engagement, partnership working and problem-solving approaches, which are central to community justice initiatives.

Therefore, the aims of this study were:

- To examine how the concepts of ‘community’ and ‘justice’ are understood and deployed in policy
- To critically assess theories underpinning our understanding of community and justice.
- To explore the use of community justice initiatives in various forms, with examples from the UK and other countries from existing literature and research.
- To examine the challenges, benefits and limitations of implementing community justice initiatives, at a local level, for agency professionals,

volunteer services and residents directly or indirectly affected by crime and disorder.

- To contribute to debates on the use of community justice initiatives to deal with crime and disorder and improve community cohesion.

#### **4.1 Theoretical foundations**

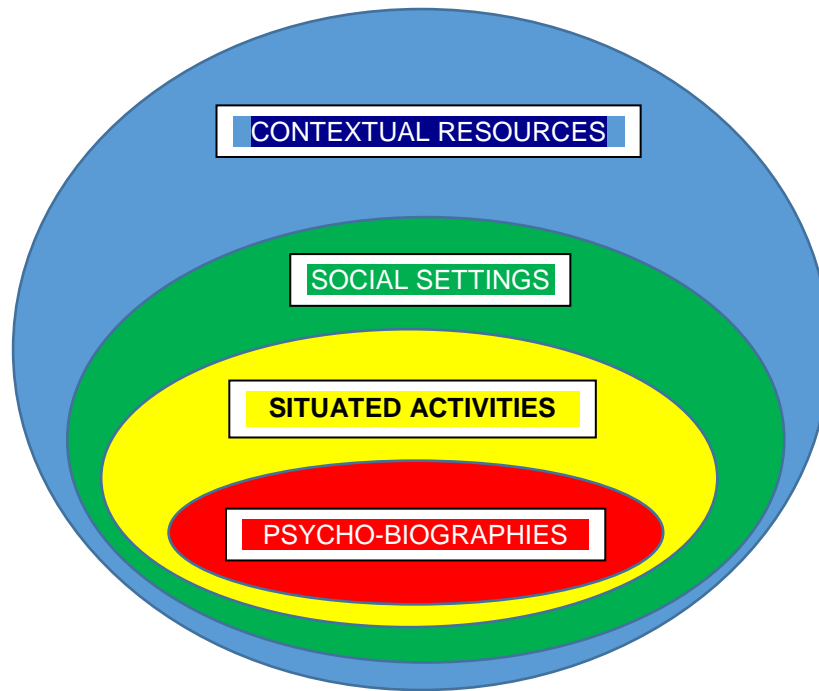
Layder's (1998) adaptive theory acknowledges complexity in social research, enables flexibility in approach, design and methods used and therefore, allows the researcher to adapt to changes. For example, the fieldwork for this research occurred during various policy changes affecting community justice initiatives, which shifted the focus of the research and the methods adopted. That said, Layder does emphasise the need for a robust design to be in place which is a good fit for aims of the study, which he described as 'building the scaffold' (Layder, 1998:150). This study has proposed that implementing community justice initiatives warrants examination of the term 'community'. This proposition was 'tested' by asking those who work and live in that community about their experiences. It also made use of additional data sources, such as social networking sites and local press reports, and provided a context for these findings, by presenting a profile of Middlesbrough and the north east, using data from the English Indices of Multiple Deprivation (IMD) (2015), and the Office for National Statistics (ONS) census data (2015).

There are parallels in Layder's work with that of social capital theorists such as Bourdieu and Giddens, who have examined the relationship between structure and agency. Layder's (1998) work on 'social domains' offers a framework for studying social phenomena in a community setting, which incorporates structure and agency, but which also examines the relationship between them. This framework enables an exploration of social life as four different units of analysis, from individual participants' perspectives (*psycho-biographies*), engaged in various activities (*situated activities*) in the context of a professional relationships and networks (*social settings*), and within broader social and economic conditions (*contextual resources*). These *social domains* reflect the examination of the individual experiences of Middlesbrough as a community, as a place to work and live, within the specific context of dealing with crime and anti-social behaviour and delivering justice. I wanted to examine this in the context

of the relationships borne out of policies such as community courts and neighbourhood policing, to deal with local problems.

To reiterate the aims of this study as they link to Layder's (1998) social domain theory, *psycho-biographical* data enabled an examination of the use of community justice in a distinct geographical location, from the perspective of practitioners, volunteers and residents. The relationship between these groups and the various *situated activities* were explored to also understand the challenges, benefits and limitations associated with the implementation of community justice. These activities occurred within formal and informal *social settings*, which were also examined in the review of literature on various forms of community justice, alongside the critical examination of theories and debates about the use of 'community' in social policy. This also provided context for the study of community justice using a case study of Middlesbrough, in the form of the *contextual resources* which influence the implementation of policy and the experience of both community, and justice. Figure 1 (page 110) presents the relationship between these domains, in relation to the level of influence on individuals' experiences, which formed an important framework for the analysis of the qualitative data.

It is important to grasp the relationship between these domains, as they account for understanding the complexity of researching social life, as a reality which can change over time, and is subject to a range of events, activities and broader influences (Layder, 2006). In the case of *psycho-biographies*, these are represented in this study by accounts of community and various forms of community justice, which are subject to the outer domains, as represented by other residents, interactions at work, in voluntary groups and with state organisations. These interactions and experiences also needed to be understood as subject to *contextual resources* which impact on the other domains, which in case refer to social and criminal justice policies (*ibid*).



**Figure 1: A Model Outlining Layder's Theory of Social Domains (2006:49)**

Given the focus on the meanings, experiences and understand of 'community' and 'justice', I also examined literature on phenomenological approaches. While I could see some value in focusing on the lived experience of my participants, my concerns with a purely phenomenological approach were the need for it to free from prescribed hypotheses or research aims. Layder (2006) suggests that an examination of lived experience can occur in the domain of *psycho-biographies* and this enables interpretations of this data to be informed by understanding of theory and policy. In this case, for this research I went into to the fieldwork with a sense that problem-solving approaches in courts offered a genuinely innovative and potentially more effective way to do justice. I also had my own views of the experience of 'community' in the north east, as aligning with the characteristics of a cohesive community, with productive and effective networks and a sense of pride and attachment among residents. Therefore, adopting social domains was a better theoretical fit, for the analysis of the data also the design of the research, to acknowledge these influences on my study, and indeed, the rationale behind it (see Chapter 1).

In some forms of phenomenological analysis, and certainly in its early inception through the work of Schutz (cited in Berger and Luckman, 1967), findings are

presented as description, without reference to interpretation or explanation. Lester (1999), taking the traditions of early phenomenologists, suggests the time for interpretation and insight comes in the discussion chapter, where authors can draw conclusions. However, given my approach to coding the data (theoretical and thematic) and using Layder's (2006) social domains to frame the analysis, detaching interpretation and insight from any discussion of the findings was not suitable. The process of interpretation would start with coding, and it was important not to disrupt this in the presentation of the findings and discussion.

Therefore, my overall research design was a case study aiming to explore community justice initiatives in Middlesbrough. This would include presentation of existing data on the town and region, to provide a clear profile of the community under scrutiny and important context for the qualitative data. The qualitative data from interviews with criminal justice professionals, volunteers and local residents therefore aimed to provide an in-depth exploration of both the community and of community justice initiatives, partnership working and problem-solving approaches. The case study design requires research to focus on explanation, rather than presenting a hypothesis, using a range of units of analysis, from individuals, to institutions, communities and countries (Bassey, 1999). Layder's (2006) social domains, as discussed above enabled this, and the adoption of a qualitative approach to research. Such an approach allows for an examination of experiences, interactions and meanings for participants, set in the context of a 'profile' of the community as a distinct geographical area. My intention was for this study to contribute to debates about the continuing use of 'community' as a framework for policy, given the concerns raised in attempts to define it (e.g. Mair, 1995; White 2003; Hughes, 2007; Shapland, 2008). I also wanted to examine how 'justice' is understood, specifically to explore how problem-solving approaches fit into this (e.g. Karp and Clear, 2000; Nellis, 2000; Wolf, 2007). The persistent 're-branding' of community justice was something I directly experienced in the process of undertaking this study. The coalition government did not take the implementation of community courts any further than the NLCJC and the model piloted in ten areas in England and Wales. They also introduced the role of Police and Crime Commissioners to have oversight of policing and began the implementation of the Transforming Rehabilitation Agenda. Therefore, this study presented an opportunity

to hear from practitioners attempting to innovate and embrace new ways of doing justice in the community, in a climate of changing priorities from central government.

A breadth of perspectives became an important aim, rather than any attempts to provide a representative sample of those living and working in Middlesbrough. These perspectives would also require examination of their experiences of their community, as a place where some lived and worked, and where some just lived or worked, and where practitioners were attempting to engage citizens as part of the delivery of justice and local policing initiatives. To once again borrow from Layder (1998), the research 'scaffold' emerged and enabled me to make decisions about my sampling approach (incorporating selective and snowball sampling techniques), as well as the plans for the coding and analysis of the data. In addition, there is a fit with this approach to qualitative methods, which embrace the gathering of textual data for analysis, including interviews. They are particularly valuable as the data reflects participants' views, to test assumptions about social phenomena and they also acknowledge the role of subjectivity in the collection and analysis of data (Bryman, 2004; King and Wincup, 2008). This breadth of perspectives also fit with Layder's (2006) presentation of social domains as representing 'profoundly different aspects of social reality that constitute what we call society' (p.298), along with the profile of the community and of community justice in Middlesbrough.

It was important for this research to offer a range of perspectives, to generate sources of data which would be analysed to offer understanding of experience and examination of the relationship between participants (King and Wincup 2008). While this does limit the scope of a study, in terms of its ability to represent larger populations and generalise on findings, its strengths, and my goal for this research, was to present insight into complex social processes (Denscombe 2003; Layder, 1998). I can clearly see the value of quantitative research, to identify trends, to assess impact and generate opportunities for more in-depth research. However, studies which attempt to explain, examine and seek to understand the complexity of the problem of crime and the wealth of responses to it would benefit from more in-depth qualitative research designs. Smaller scale research also enables a more critical approach, especially for research students who have formulated their own research idea (as was the case for this study), and who are not constrained in developing the design by contractual

requirements (King and Wincup 2008). Critical social research focuses less on concerns about the causes of social phenomena and more on current responses to it, looking beyond the use of survey data and testing of hypotheses in the social world, towards a more in-depth understanding of processes, ideas, attitudes and experiences (Jupp, 1999). For this study, the participants were selected to provide insight and their own definitions of the term 'community', alongside sharing their experience of the implementation of community justice initiatives. Layder (2006) emphasises the need to embrace individual experiences to understand the role of emotions in community life, which in the form of 'jealousy, anger and hatred are capable of disrupting the smooth veneer of social situations and relationships' (p.275). There are implications here for strategies aiming to engage citizens as part of a community justice initiatives. It is necessary to grasp the role of emotions as embedded in citizens' ontological security and affecting their trust in those charged with solving problems.

## **4.2 Building the Scaffold**

To achieve the aims of the study, as discussed above, I adopted a case study design for this research, which lent itself to the focus on a distinct geographical location (Middlesbrough), a setting with a specific socio-economic context in which to examine how community justice is done. For this research, community justice was represented by neighbourhood policing, restorative justice and the community court. The socio-economic context for this study came from examining existing data from the ONS, which provided details about employment, health, and crime and anti-social behaviour. This was not a secondary analysis to seek correlations between this data and the qualitative data, but simply intended to help develop the context for the community as a research setting. This was supplemented by using examples of incidences of crime and the various responses to it, from Facebook groups (primarily as used by Neighbourhood Policing Teams and charities) and local news sites. This profile and examination from the community under scrutiny represents Layder's (2006) domain of *contextual resources*, the social environment in which activity occurs. It needs to be emphasised that this domain is composed of two aspects, one being distributional, which refers to the resources available in any given location. It also refers to the historical legacy of a community, which in the case of Middlesbrough, is characterised

by socio-economic changes, representations in the media as a place of deprivation and disadvantage, along with a distinct experience of immigration.

The qualitative data was to be collected, with the intention of examining what Blumer refers to as 'group life', evolving from various individuals interacting to deal with the situations they are placed in, where they also 'develop and acquire common understandings or definitions of how to act in this or that situation' (1969:539). I wanted to use this study as an opportunity to examine how staff, volunteers and residents understood and interacted in the context of community justice processes. This enabled me to also formulate my own research focus, to build on the studies which evaluated community courts (e.g. Llewelyn-Thomas and Prior, 2007; Mair and Millings, 2011). This focus would be to understand the relationships formed through these initiatives and the setting in which this all occurs, presenting important *psycho-biographical* accounts to be examined in the context of broader social domains (Layder, 2006).

Layder suggests research is 'multifarious interconnections between human agency, social activities and social organization' (1998:148). However, in line with Layder's proposition that in starting out, research needs a design, or 'scaffold', it was important to have clear parameters set. I was clear at the outset this would be a qualitative study, but the case study design meant I could explore how to give context to the data I collected from interviews. For this study, participants from CJS agencies were asked about their professional partnerships and those with local residents. The research also assessed awareness and understanding of various community justice initiatives among residents and volunteers, while also examining their own understanding of cohesion and community. This was intended to elicit examples of active participation between residents and CJS agencies, specifically to address crime and disorder, and to explore some of the reasons why this may not occur. Given the 'community engagement' claims of initiatives which come under 'community justice' it was important to understand more about how this can be done and what the barriers are. Layder's (2006) domain of *situated activity* reflects the interactions which can occur in the endeavour of doing justice locally, which can be temporary interactions, a means to an end and episodic as interaction ends and is resumed. Layder (*ibid*, p277) describes this as an 'arena in which meaning is created', similarly to Blumer (1969) who cites meaning as a product of mutual responses of those present. Layder (*ibid*)



has also considered how this interaction offers an opportunity for both altruism and self-interest, as a possible outcome of citizens engaged in working with the state and/or third sector.

The participants in this study were placed into three categories, those working in the field of community justice, volunteers in the local community and local residents. The interview schedules (see Appendix D) needed to reflect the differences in focus, such as I wanted to ask practitioners about their role and understanding of community justice, as well as their community, whereas, for residents, this was not appropriate. I wanted to focus on residents' experiences of the community, changes they have observed, concerns they have about crime and where they placed the responsibility for addressing crime and disorder. The focus on these organisations reflect the variety of *social settings* in which community justice occurs, and for Layder (2006), this domain can consist of highly structured organisations with hierarchical relationships, or less formal networks of friends and neighbours. Again, given that community justice policies propose to create cohesion, this domain offers a means by which to assess citizens' commitment to working with others, and to engage in behaviour deemed socially acceptable.

### **4.3 Execution of the research**

This section provides a detailed account of the planning and execution of this study, including the research tools used, sampling decisions, the consideration of ethics, the phases of the fieldwork, and finally, process of coding and developing the analytical framework for the study. It also includes an overview as to how quality and rigour were applied to this study, along with some personal critical reflections.

#### **4.3.1 Research tools**

The principle research tools adopted for this study are the semi-structured interview, which are used in conjunction with a scrutiny of local social networking and news sites, and a description of statistics to provide a profile of the town and region. These tools are informed by the use of the case study design and to fit with Layder's (2006) social domains, which as discussed above, also inform the coding and analysis of the data.

Holstein and Gubrium (1995:2) describe the interview as a 'search-and-discovery mission', while acknowledging the key epistemological question regarding where the information has come from and how the interaction between researcher and participant impacts what is presented:

'Treating interviewing as a social encounter leads us rather quickly to the possibility that the interview is not merely a neutral conduit of source of distortion but rather the productive site of reportable knowledge itself.' (1995:3).

They also suggest that to receive data from participants free from distortion and bias, the questions asked need to create an atmosphere which enables this. It was also important to make use of semi-structured interviews for this study, to enable an examination of core themes, and to allow participants to present their experiences and interpretation of key terms, using prompts and probes to aid this (Gilbert, 2009). According to Lofland (1995) this research tool is a means to collect data as a form of conversation, with the boundaries in place to guide this and keep the focus on the aims of the research. Singer et al (1983) advocate personalising questions, to allow participants to feel confident in revealing their own experiences. In this case, the questions were designed to elicit participants' own understanding and experience of community, along with their experience working with the police, courts and other agencies to address crime and anti-social behaviour. This is to avoid asking participants about more abstract concepts such as 'community justice', and instead to design questions to examine these terms separately at first (see Appendix C). The semi-structured approach also allows for the use of prompts to encourage participants, clarify questions and ask for elaboration on responses (Gilbert, 2009). Primarily this would simply require asking 'can you tell me more about that' or repeating a key term the participant uses in a questioning tone. The interview schedules themselves (see Appendix C) started with a general question about the participants experience and understanding of their community, and then depending on their occupation/role, would explore their experiences of justice in the community, working with others and attempting to engage citizens in these processes. There was a different direction taken for volunteers and residents, to accommodate their different roles, and for the latter, to shift discussion away from policy discussions, to enable them to tell their story.

### **4.3.2 Sampling and accessing data**

The approach for this study was to use data from the first interviews with criminal justice practitioners to re-examine the focus of the research, given the changes in policy, specifically the reduction in the use of the community courts, therefore it informed the decisions about who to interview and include in the study. This then followed this more robust approach using theoretical sampling, then a more purposive and selective approach, while also adapting to opportunities which presented themselves, as a form of snowball sampling. This latter approach was used on four occasions, in response to assistance offered. Significant policy changes required a change in approach, to consider how other forms of community justice were understood and experienced. Therefore, these developments informed my sampling approach just as much as theoretical considerations generated from the literature review. There are inevitable concerns about being an outsider to the sphere of social life under scrutiny, regarding the lack of understanding of the challenges facing those in practice and on the front line of community justice (Blumer, 1969). This emphasises the value of a short exploratory phase of fieldwork in order to test the links between the research aims and the questions being asked of participants. It also enabled an opportunity to gain valuable insight into the challenges and reality of working in the field of community justice, which at this point had only been understood as part of the literature review.

The initial step was to write to 10 magistrate courts, all of whom had been asked to pilot the community court model. There was some expression of interest from the North Liverpool Community Justice Centre (NLCJC), Nottingham Magistrates' Court and Teesside Magistrates' Court. It was clear the NLCJC would have been a valuable site, but they were also participating in a research study being undertaken by staff at Liverpool Hope University (Mair and Millings, 2011) and at the time were already facing uncertainty regarding their funding and long-term future. It was at this point I began to consider reviewing the aims of this study, broadening the scope from a study of the community court model, to one of community justice in various forms. Fortunately, those areas undertaking piloting the community court model were doing so within the existing infrastructure of the magistrates' courts and so while extra resources and training were required, they did not require the level of investment and maintenance

of funding needed by NLCJC. Therefore, it was still possible to undertake interviews with staff involved in running community courts, and the firmest response and commitment came from staff in Teesside. This initial contact enabled me to access community court magistrates, probation staff working in the courts, police-court liaison and senior police officers managing neighbourhood policing teams. From interviewing probation staff and community court staff, it was clear probation had a limited role in the implementation of the community court, and as I wanted to explore problem-solving approaches as utilised in community justice, it was necessary to shift my sampling towards the police service, charities and restorative justice practitioners. Having also spoken to court staff about their outreach work with the local community, and the challenges they faced in counter-acting negative press reports regarding their sentencing decisions, I then also wanted to try to speak to residents to see how they felt about crime and justice in their community. I was also interested to gauge awareness of the new community court model, and this was to form part of my interview schedule for all participants. I attempted to access 'problem solvers' working directly with the courts, but these were volunteers, working sporadic hours and it proved challenging to secure their time. I was also aware of a study undertaken by researchers at Plymouth University, examining the processes of problem-solving and the work of the Community and Advice and Support Service (CASS). I decided at this point to keep my sampling to a breadth of perspectives, and less about the detail of the role of problem solver within the court.

Therefore, I focused my efforts to gain access to volunteers working within Middlesbrough in organisations relating to the delivery of justice, as well as finding forums to access local residents. Contacting staff working in Victim Support proved successful, as did accessing those working in the restorative sector. I enquired through the police participants about using public meetings to ask for participants, by leaving information for them to contact me in confidence. The challenge presented to me here was that such meetings can be poorly attended – an example of the challenge of community engagement – and therefore, I had to be more creative in accessing this population. Having already scoured Facebook sites of local organisations involved in community justice such as Neighbourhood Policing Teams, Restorative Justice organisations (such as UNITE), I looked into searching for local residents' associations and anything with the names of relevant wards which formed my geographical focus

for this study. I came across several such sites, such as 'Life in Doggy' in which I was able to post request for participants, being very clear that online on this public forum I did not want them to declare an interest (to protect confidentiality), but to contact me via email and phone details I provided. This did elicit a limited response, but these participants being from older generations were able to give insight into the changes in their community. The final list of participants included staff from the local police service (Inspector, Sergeant, Police Constable and PCSO); the community court (magistrates and civil servants working on the initiative); probation officers; volunteers and paid staff from local charities and local residents, including those running a community centre. For some time after the third site visit to collect fieldwork, I left calls open for participants on Facebook groups, and maintained contact with staff to offer more opportunities for anyone wishing to take part in the study. At this point I had started the process of transcription and wanted to have a good balance of perspectives, from those working and living the in the community. Table 1 indicates the number and range of participants, to reflect my approach to this research to gain a breadth of perspectives.

As indicated in Table 1, the views of local residents are not represented to the same degree as other groups. However, all participants interviewed lived and worked in and near Middlesbrough and were able to provide an account of the local community as it had changed for them. That said, having more participants to gain more specific insight into local life and the meaning of community in this area would no doubt have enhanced this study. A more proactive stance could have been adopted to increase this sample, such as leafleting local properties in the wards of TS3 and TS4 (served by the community courts and neighbourhood policing teams). This may have meant the representation of these views would have been more aligned to those represented by CJS staff, third sector staff and volunteers.

**Table 1: Community Justice Study – Interview Participants**

<b>NUMBER</b>	<b>IDENTIFICATION CODE</b>	<b>ROLE</b>
1.	MCC1	Magistrate in Community Court 1
2.	MCC2	Magistrate in Community Court 2
3.	MCC3	Magistrate in Community Court 3
4.	PINPT	Police Inspector – lead on Neighbourhood Policing
5.	PSGTNPT	Police Sergeant – Neighbourhood Policing team leader
6.	POLCJ	Police/Community Justice Liaison
7.	PROB1	Probation Officer
8.	PROB2	Probation Manager
9.	PC1	Police NPT 1
10.	PCSO1	PCSO NPT 2
11.	PCSO2	PCSO NPT 3
12.	VSTM	Victim Support Team Manager
13.	VSV1	Victim Support Volunteer 1
14.	VSV2	Victim Support Volunteer 2
15.	VSV3	Victim support Volunteer 3
16.	VSV4	Victim support Volunteer 4
17.	VSV5	Victim support Volunteer 5
18.	VSV6	Victim support Volunteer 6
19.	RJ1	Restorative Justice Mediator
20.	CCMGR	Community Centre Manager
21.	LR1	Local Resident 1
22.	LR2	Local Resident 2
23.	LR3	Local Resident 3

My approach at the time was to focus on those I deemed as engaged in their community as reflected in participation through the third sector, with social networking communities and also those who had engaged with local criminal justice agencies. However, it must be acknowledged that this study would certainly have benefitted from perspectives of the local community, from those not directly engaged with these activities. This would have lent more robust analysis for the case study from the perspective of important *psycho-biographical* experiences as they are affected by broader social domains (Layder, 2006). The scope of the study was always going to be more limited through the focus on eliciting qualitative data, as compared to quantitative methods. This reflects my approach from the outset, which was not to be concerned with generalisable results, but to focus on the various relationships and networks generated through community justice, for those living in specific local wards. While breadth of perspectives was achieved in order to examine community justice through social domains, it is clear, insight from more participants living in the community would have been an important contribution to the case study approach (Denscombe 2003; Layder, 1998).

While this limitation reflects the decisions made at the time of designing and executing this study, it has to be said that logistical and time constraints also had an impact. The fieldwork started by building a profile of the community served by the courts, local neighbourhood policing teams and restorative justice arrangements (see section 4.4). This then generated access to participants from professional backgrounds in the CJS and third sector, over an 18-month period, which was necessary to fit fieldwork in with the demands of a full time academic post. During this time, discussions took place with my supervisors and gatekeepers to find ways to access local residents and the ideas adopted fit with my need to find those residents engaged in some way with their local community, beyond work and family. They also presented methods which were achievable within the timeframe for the fieldwork, within the constraints mentioned above. This timeframe was important to collect qualitative data in a climate of changing priorities of community justice in Middlesbrough and nationally, as reflected in the debates raised in Chapter 3 (see section 3.6). Extending the timeframe for the collection of the data, at the time did not meet my plans to examine these experiences as they were influenced by broader *contextual resources* of changing focus in community justice, the impact of reductions in public spending, and all in a community

which had faced economic decline and stagnation. Being more flexible about this consideration would have enabled the time to gather more data from residents, about their experiences, and in hindsight, would not have been adversely affected by when this occurred, within reason. An example of the outcomes of these limitations was to attend public meetings set up by neighbourhood policing teams, to publicise the study and leave contact details, which would meet my original aims and was intended to elicit more local residents as participants. However as discussed by those managing such meetings (see section 6.2.1), the lack of attendance meant this approach failed to lead to additional participants, and at this time proactive approaches could have been adopted, to shift from a selective to a more random sampling approach.

#### **4.3.3 Ethical issues**

It is vital for any research to state its potential impact on participants and ensure guidelines in conducting research are followed. Consideration of ethical issues requires close scrutiny by external reviewers who need to view the study from the standpoint of participants' rights and the validity and reliability of the research (e.g. see British Society of Criminology, 2006). For this study, semi-structured interviews were conducted in line with ethical guidelines, being upfront about the purpose of the study, how the data were stored and used and ensuring participants were fully aware of their rights.

The study made use of consent forms and leaflets (see Appendices A and B) to provide basic information about the study. The researcher and contact details were provided in order to allow participants to withdraw their data from the study, at any time. Participants were asked to sign the consent form, to agree to be interviewed and to have their interview recorded (the alternative being the researcher taking contemporaneous notes). Face-to-face interviews took place in workplaces for professionals and volunteers, with residents using a local community centre. Two of the interviews with local residents were telephone interviews (also recorded with permission stated at the start of the interview), so finding an appropriate space for these interviews became unnecessary. It was important for these interviews to ensure informed consent was given prior to the interview taking place – this was aided by use of email contacts to facilitate this process, and to avoid delay.



Participants were asked about their understanding, their experiences of crime and the community they live in, along with their knowledge of community justice initiatives. They were not asked to discuss anything which could lead to a potential issue of disclosure, but some chose to talk about their direct experiences of community justice as an ex-offender, or indirectly when talking about a family member or friend. It was important participants understood the scope of the study and that their transcripts would be made available to them for checking and to emphasise they could withdraw from the study, up until a certain point when analysis and write-up had started. It was important to get across the element of choice but also the boundaries of the study and their role in it. All participants were reminded confidentiality would be maintained by not using their names in the study and that their data would be kept securely, making use of password protected files.

#### **4.3.3.1 Ethical issues arising from using data from online resources**

Stewart and Williams (2005) suggest the increasing use of the internet in data collection requires an examination of the ethical implications, as well as the authenticity of the data. There are clear benefits to using existing data on the internet, which is publicly available, as it negates the logistical issues of undertaking fieldwork, or depending on participants to complete a questionnaire. New guidelines maybe needed, but certainly, current practices can be applied by researchers, such as anonymising data (including online identities) and to maintain ethical standards which respect contributors who become participants of a study. A key challenge, is how to adapt the process of gaining informed consent from data already provided for different reasons and motivation, i.e. not given as part of contributing to research, but for example, as comments on local issues or the work of the police. Ess (2002) notes that research which uses data from online resources, such as email, chatrooms, webpages, blogs and social networking sites, raises new issues and perhaps unexpected outcomes which necessitate a revision of existing guidelines. Ess (*ibid*), working as part of the Association of Internet Researchers recognises the pluralism of ethical concerns, given the internet provides data which crosses disciplines, cultures and philosophies for conducting research. The guidelines are clear in that they provide a means by which to make defensible ethical decisions, to understand what is and

what is not ethical behaviour. The aim was also to build into researchers a sense of doing what is right, and confidence to know they have considered safeguards and avoided harm. The key questions asked in forming the guidelines relate to establishing in what sort of online forum the study is exploring, i.e. blogs, webpages, chatrooms and social networking sites. The guidelines also require understanding of the policies of that site in terms of privacy of users, accessibility by others (e.g. closed Facebook groups for members only) and who is using the site (i.e. local residents, CJS professionals), (Association of Internet Researchers, 2002).

The guidelines propose that if participants assume their communication is private, as the website states this is the case, then there is a clear need to gain informed consent from commentators and assuring anonymity (or *pseudonymity* – protection of the online identity). If research is taking place in public arenas, where there is no promise of privacy, such expressions can be viewed and monitored with less of an obligation to protect privacy or require informed consent. Given also that different identities are used in online communications, obtaining informed consent will be difficult, if not impossible, as they may be no legitimate contact details to facilitate this.

The AIR guidelines also emphasise the need to consider the type of data, i.e. if it is potentially revealing information about a person which is sensitive, intimate and has potential to cause harm if revealed to others. In this case, the usual considerations for research to ‘do no harm’ must be applied. However, if the data is commentary on events outside of communicators’ experience and not of a sensitive nature, then researchers are less likely to cause harm by reproducing this data, as long as they protect the identity of the communicator. In undertaking research from internet resources, where there are stated policies on the level of privacy, Eysenback and Till (2001) suggest it is ethical to record activities without obtaining consent, provided identities are not revealed. It is also important to consider the benefits of using online resources as a means to collect data, to understand what will be gained from it, given also the questions of the authenticity of the data, compared to a face-to-face recorded interview.

For this study, comments on the local community, crime and justice issues, the work of the police and courts were scrutinised to map views on community justice initiatives.

This provide an additional source of data to gain insight from the residents of Middlesbrough and their views on their community and the work of local criminal justice agencies. In order to minimise the risks to users in terms of revealing identities, their names were not used and the group names were also changed to generic labels such as 'Neighbourhood Policing Team 1' and 'Local Resident Group.' Being able to access data from various internet sites is described by Teli et al, as accessing a 'library of people' (2007: 3) and represents sources of data from a range of realities, groups, communities and cultures. They also emphasise how useful this approach is to understanding how communities function, in various socio-economic conditions and how this informs identity, particularly in areas where there is an online/offline intersection, such as the use of social networks by neighbourhood policing teams, reflecting their activities in the community, subject to residents' views about this 'constructed reality.' When using such resources, there is a clear need to maintain ethical standards and 'do no harm' but to allow flexibility and adaptation from current standards and requirements as set by the British Society of Criminology or the British Psychological Society. Such data can provide insight and understanding into the views of groups, especially those posting on sites bound to a particular geographical location.

#### **4.4 Collecting data on community life**

This section provides details on how this study was planned and conducted, incorporating the presentation of data from the English Indices of Multiple Deprivation (IMD) (2015), Office for National Statistics (ONS) census data (2015), and the scrutiny of social networking and local news sites. It also charts the phases of the fieldwork, collecting data from a range of participants and adapting to changes in policy, which informed the decision to gain a breadth of perspectives.

##### **4.4.1 Phase 1 – building a profile of the community**

The first phase of the research involved collating statistical data on Middlesbrough, to present information on the socio-economic conditions of the town and region. This would include employment levels, the decline of industry which has affected community life and details of levels of crime and anti-social behaviour. This data was

complemented by presenting a brief recent history of the region, to highlight important changes for the town. This is presented in a short chapter prior to the findings and conclusions, to provide a framework for the qualitative data discussions, and create a clear picture of the 'community' under scrutiny. This chapter represents the domain of *contextual resources* (Layder, 2006), to demonstrate how broader economic conditions and changes impact on the experience of the community.

#### **4.4.2 Phase 2 - Mapping of community justice in Middlesbrough**

As a result of the changes made to the original focus of the study, this research broadened its scope to include participants working in the broader field of community justice, to include the community court, neighbourhood policing and restorative justice. During the course of this study, it became apparent that some organisations would use social networking, such as Neighbourhood Policing Teams, charities and local residents' groups. For the purposes of this study, the scrutiny of social networking sites was limited to Facebook, to examine the context of posts about the local community. Due to questions about the authenticity of those commenting on such posts and ethical dilemmas which present themselves in using such data, this exercise was limited to providing a descriptive contribution to the profile of the community (Stewart and Williams, 2005). While such sites can seem to be an exciting frontier in understanding social phenomena (Teli et al, 2007), it is important to define their role in this study as limited to providing context for the qualitative data.

The sample for this part of the research aimed to reflect the range of organisations making use of social networking, which included two Neighbourhood Policing Teams, four local charities and a local residents group. To set some boundaries for the collection of this data, restrictions were placed on how many groups would be used and to set a timeframe for the collection of data. To fit in with phase four of the collection of the qualitative data, social networking sites were scrutinised from January to December 2014. In addition, to gain further insight into community life from the perspective of local residents, news media websites were scrutinised, focusing on crime reporting, such as sentencing decisions, addressing anti-social behaviour and police operations. Layder (2006) suggests that research needs to consider both *situated activity* and *social settings*, to examine both public spaces (in this case, also

virtual spaces) and more organised activities in workplaces and community centres. Studying social networking sites gave insight into the activities of practitioners and residents, and how criminal justice agencies and volunteer groups addressed crime and anti-social behaviour.

#### **4.4.3 Interviewing participants in the community**

This method formed arguably the most important element in the case study design, in providing insight into the experience of community and justice. The interviews were aligned to Layder's (2006) *psycho-biographies*, to provide individual perspectives and attitudes on working and living in a community, in the arena of community justice to examine working relationships and experiences of community life. Therefore, it was important to have a semi structured interview schedule to ensure common themes were discussed, but it was also apparent that some participants, based on their occupation, experiences and views, would want to focus more on some issues over others.

##### **4.4.3.1 Phase 3 – interviews with community justice practitioners**

Once access had been confirmed, it was important to uphold the contacts and make good use of their enthusiasm and willingness to participate. This meant arranging some fieldwork relatively early on in the research process, which was agreed would be seen as an 'exploratory' phase. It allowed for the interview questions to be tested as well as for the identification of some key themes for exploration during a later phase. For the first phase of the study, participants from the police, courts and probation service were interviewed using a semi-structured interview schedule (see Appendix D) and their interviews were transcribed to identify some common themes, anomalies and interesting areas for further exploration.

##### **4.4.3.2 Phase 4 – interviews with voluntary staff and local residents**

The next part of the fieldwork focused on gaining access to participants from the voluntary sector and local residents, with additional interviews with policing practitioners, which could not take place during phase three. The phase three

interviews provided some useful data and common themes which were adopted for the second phase of participants. Just a few changes to schedules were needed to reflect the change in focus for this set of participants (in relation to their occupation and 'role' in the community), and to find a way to simplify exploring the definition of community (see Appendix C). This was achieved by asking more specifically, what participants felt was needed for a 'community to work well', or to ask how they felt about where they lived, to include positives and negatives.

#### **4.5 Coding and analysis**

I always intended to use qualitative analysis software (in this case, NVIVO) to support the processes of coding and analysis of text data, from a range of resources. This process meant the final coding frame was based on a more detailed understanding of the data, where earlier attempts came from themes identified in the literature. It was useful to begin developing the coding frame, prior to completing the transcription of the interviews, to be able to clearly identify the emerging themes, and organise the data. Some important considerations in coding, are to examine how codes are generated (i.e. from theory, previous research and/or data) and to understand themes and codes and their prominence in the study. Miles and Huberman (1994) describe codes as 'labels', 'tags' or 'categories' where varying amounts of text can be placed. These codes can then be organised to provide examples of themes being discussed in a study, much like a book index.

The various types of coding described by Glaser (1978, cited in Hernandez, 2009) refer to what informs them, i.e. theoretical coding (from theory, debates, philosophy) which are generic to social sciences, and open coding, developed from more focused reviews of literature around a specific topic such as 'community justice.' This formed my first attempts at developing codes, prior to undertaking any fieldwork, which were somewhat generic and followed the principles of community justice, e.g. problem-solving, restorative approaches and partnership working (Karp and clear, 2000; Wolf, 2007). Therefore, it was important to then use 'axial coding' as a process of identifying central themes from research data, in this case, the first phase of interviews with community justice practitioners, meaning I could add more specific codes relating to both community and justice, (see Table 2). At this point in the study, I was able to use

data from theory and previous research, as well as my own findings to inform the coding process, as advocated by Miles and Huberman (1994). They also emphasise the need for a list of codes prior to undertaking fieldwork as useful to explicitly understand researchers' assumptions and acknowledge the various influences on a study. Layder (1998) refers to a process of 'pre-coding' as derived from theory and understanding, dismissing the notion that data must be coded 'with a clean slate' (p54) and that this process is important to help organise data and view it through a critical and theoretical lens. He emphasises this process will generate provisional codes, ready to be confirmed or amended in light of the data, which may determine their hierarchy or prevalence. In epistemological terms, pre-coding enables a study to adhere to its original aims, given how important it is for these aims to be aligned with the interview questions asked of participants.

Layder (1998) is therefore critical of the grounded theory approach in relation to the development of codes, in that pre-coding provides an important part of the 'scaffold' for the study and specifically the fieldwork. I found it useful to develop my focus on the emerging data, to learn from exploratory interviews and not impose the need for the data to test theory, but to contribute to understanding. Strauss (1987, cited in Hernandez, 2009) suggests a process of coding line by line, generating the maximum number of codes. However, this may yield data as unwieldy as transcripts themselves and therefore, a better approach is to consider instead the relevance of the data to the study (Layder, 1998), and to acknowledge findings which are anomalous or contradictory to previous research. In this research, the bulk of the coding began during the transcription of interviews, to have oversight of the data, to identify common themes and ensure the data was meeting the aims and objectives of the study. Axial coding became the primary method, in using the data to generate codes, rather than theoretical coding, given the focus of this study on gaining insight into community life from those living it. As Layder suggests, the level of coding was dictated by the relevance of the data, but it evolved from coding large quotes to more succinct sections, to identify subtle differences without leading to unwieldy NVIVO reports.

Layder's (1998) adaptive approach frames this process of re-thinking aspects of research, including analysis, as opposed to following prescribed rules and processes which may exclude responses from participants or disregard data which could inform

understanding. The potential for adapting needs to be embraced in the analysis, if researchers are to allow data to inform their research, but perhaps having pre-existing codes forms part of the 'scaffold' to ensure the study also remains robust in terms of how well it achieves its aims. The retrieval of the text can be a means by which to search for patterns, seek and explain comparisons and can be presented either within cases or across cases (Miles and Huberman, 1994), or for this study, to consider how participants work across agency and sector boundaries to address crime in their community.

Table 2 sets out the coding frame as planned for the analysis, after the review of the literature and transcription of the interviews had been completed. The first category refers to the area of focus in terms of the groups interviewed (CJS staff, residents, volunteers) and the key themes of the thesis (community, community justice). The data from the interviews presents commonalities of these themes and a useful way to demonstrate the range of perspectives from those involved in community justice and from those living in the community under scrutiny.

The core codes used are more directly related to the qualitative data from the interviews and social networking sites, as they represent common themes, and some differences between the areas of focus/perspectives represented by the participants. For example, it was clear that 'problem-solving' 'partnership working' and the 'communicating change' were common issues discussed by participants across CJS staff and volunteers, whereas among residents there was more concern with the latter codes, and their views on the impact of industrial decline and lack of prospects especially for young people.

In the process of analysis, I used the reports generated in NVIVO to give me a more focused oversight of the data, for example, being able to concentrate on text I had coded as relevant to 'community pride' or 'problem-solving approaches achieving justice' (see Appendix F). There was some overlap, with other codes such as 'sense of belonging' and 'partnership working', as when I was coding the data, it felt better to err on the side of caution and ensure the text belonged to a core set and sub set of codes. The themes of community pride and community engagement, for example, were discussed interchangeably and so rather than making arbitrary decisions about



which was the 'best' code to use, I used more than one. I had in mind Layder's (1998) approach of a hierarchy of themes, and a clear sense of my own research aims and focus, being the experiences of community life, community engagement with dealing with social problems, problem-solving justice, partnership working and issues of responsibility. It was clear how important making these decisions was, to have a more developed narrative for the thesis, to be faithful to the aims of the study and to know when I had enough data. It was also useful therefore to categorise codes, again, understanding there would be some overlap, to help me see emerging themes common to all participants. This was also important to identify themes emerging from each group, i.e. practitioners, volunteers and residents, to reflect the different focus of the interviews and analysis of social networking and news sites.

**Table 2: Coding frame**

<b>CORE THEMES</b>	<b>COURTS</b>	<b>POLICE</b>	<b>VOLUNTEER GROUPS</b>	<b>RESTORATIVE JUSTICE AGENCIES</b>	<b>RESIDENTS</b>
<b>COMMUNITY</b>	Deprived area Pride	Lack of confidence	Participation Impact of offending Stigma for offenders Victims	Deprivation Alternatives Residents accepting change Stigma for offenders	Impact of crime Anti-social behaviour Loss of interaction Young people Pride Decline Deprivation Sense of belonging Access to services Isolation of elderly
<b>PROBLEM-SOLVING</b>	Providing support Dialogue Drugs and alcohol Debt Mental health Partnership working	Neighbourhood policing PCSOs Anti-social behaviour Consultations Mental health Partnership working		Cause of offending Victim support Partnership working	Anti-social behaviour

<b>PARTNERSHIP WORKING</b>	Providing problem-solving Training Housing Young people Challenges Turnover of staff Delays Engaging residents	CPS Victim support Challenges Turnover of staff Delays Good practice Sharing information Engaging residents	Police Courts Probation	Police Courts Youth workers	
<b>CORE THEMES</b>	<b>COURTS</b>	<b>POLICE</b>	<b>VOLUNTEER GROUPS</b>	<b>RESTORATIVE JUSTICE AGENCIES</b>	<b>RESIDENTS</b>
<b>RESTORATIVE APPROACHES</b>	Diversion Young people Agreement Sense of justice Anti-social behaviour Young people	Diversion Challenges Anti-social behaviour	Victim support	Victim support Offender's needs Confronting behaviour Repair harm Sense of justice Anti-social behaviour Young people	Lack of understanding Anti-social behaviour Victim support Young people

<b>ENGAGEMENT</b>	Outreach Same voices heard Excluded groups	Risk Same voices heard Social networking	Student volunteers	Alternative approach Perceptions of justice	Victim perspective Defendants Perceptions of justice Social networking
<b>RESPONSIBILITY</b>	Role of courts Need for change Training Resistance to change Managing expectations	Anti-social behaviour Managing expectations			Police Role of Courts Problem families Managing expectations

## 4.6 Quality and Rigour

In a review of how to establish quality in research, Seale and Silverman (1997) cite a central issue for quantitative studies as being the reliability of the interview schedule and how representative the sample is. For qualitative research, the authenticity of data in terms of how it provides an authentic understanding of the participants' experiences is seen as more important and a more useful endeavour than trying to establish reliability and generalizable results. Seale and Silverman (*ibid*) argue that rigour and validity must remain part of qualitative inquiry, and that there are various ways in which to achieve this. One example they cite is to combine quantitative and qualitative methods, and to find an opportunity to test interview schedules. To give context to the qualitative data, statistics provide a 'profile' of Middlesbrough, along with data from social networking and local news sites. In addition, using NVIVO to 'count' commonalities and identify anomalous responses in qualitative data, according to Seale and Silverman (*ibid*), is a useful means by which to avoid criticism of bias in selecting certain quotes and enables a transparent research strategy. They also argue for being able to record data, and not to rely on note taking. In many ways, this seems an obvious point, but it is an important one to make, in order to ensure accurate representation of participants' views and to be transparent as to the process of analysis.

Seale (1999) has argued for the use of reflexivity in research, through using a combination of data sources, rather than being constrained by method, or indeed a distinct methodological approach. Adopting Layder's (2006) social domains to inform my methodology enabled this, while also setting parameters for the research design, to be clear on the scope and aims of this research. Seale (1999) also argues that reliability and validity in qualitative research are achievable, but they do open up more debates and discussion, compared to quantitative methods.

The acknowledgement of the complexity of social life therefore requires different methodological approaches which advocate surveys and data which can be quantified and categorised, and which perhaps limits the ability to examine social life to reflect diverse experiences and circumstances. It was important for this study to take an adaptive approach, to use a range of methods, given the 'unstable and contestable policy terrain' (Hughes and Rowe, 2007:317) evident in the field of community justice. Prior to Seale's proposals that the

boundaries of methodology needed to be blurred, Lincoln and Guba (1985) offered a critique of the claims of quantitative methods in relation to being able to generalise and apply findings to large populations. In defence of qualitative studies, they developed four criteria to assess the quality of research - credibility, transferability, dependability and auditing, as an alternative to what they viewed as unattainable standards of research in the traditional criteria of reliability, validity and applicability. For example, *auditing* requires reflexivity on the researcher/participant relationship, replacing the goal of objectivity, so that researchers remain self-critical and transparent, and therefore, that the research becomes more trustworthy. They also propose that *credibility* is important, as a measure of confidence in the truthfulness of research, through using different methods to corroborate findings, allowing participants to check their transcripts, and including discussion of findings which do not fit the aims of the study. *Transferability* requires a detailed account of the study, or 'thick description' formerly applied in ethnographic approaches by Ryle (1949) and Geertz (1973) (cited in Lincoln and Guba, 1985). Finally, *dependability* follows on from this, as a process of external auditing of the study to ensure the methods of collection and sampling decisions fit with the proposed aims of the study.

For this study the auditing process occurred in the reflection on the research and in the development of questions, to ensure participants felt comfortable and able to contribute and express themselves. Credibility was achieved through adapting the study to incorporate other sources of data, alongside the qualitative interviews, to provide a profile of Middlesbrough and to present other sources of information on the community. This chapter aims to achieve 'transferability' by providing an account of the methodology, the theoretical framework for the design and analysis of the research, and the tools used and decisions made as the research progressed. This then fits with enabling dependability, offering a critical examination of the study, as presented in the next section.

In any community, consensus and trust are key components to maintain cohesion and stability (e.g. Coleman, 1990; Putnam 1993; Faulkner, 2003; Leonard and Onyx 2007), and the same has been said for the research community, which requires agreed standards of credibility and value of research studies (Seale, 1999). Hammersley (1992) makes the distinction between how research is viewed in the real world, in comparison to peer reviewers who are poised to scrutinize in detail the study, to go beyond the key findings and impact. As

with any community, there is a concern that divisions and inequalities in status and resources mean some groups are better able to influence research paradigms than others (Harding, 1986, cited in Hammersley, 1992). Seale (1999) proposes that the quality of research can only be improved by ensuring the researcher has some awareness of the implications of the approach and is prepared to engage in a process of reflection and acknowledgement of the limitations of the study. For this study, accessing a range of participants was important to add to the depth and quality of data, through hearing the voices of as many sectors and groups within a 'community' (in the sense of a specific geographical location) as possible. The process of reflection from conducting this research enabled acknowledgement of the limitations of the study, in that not all members of the community under scrutiny were accessed (most notably, young people and faith based charities/church groups). The scope of the study could certainly have been expanded, in terms of the numbers of participants interviewed to better reflect the diversity of the community, and these are important considerations for future research which aims to understand community justice.

In this chapter, I have set my methodological orientation, and the processes undertaken to complete this study. This reflects my aim to explore the rationale for using qualitative data from a range of resources, to reflect the different forums of expression and capture a range of voices in the community. This chapter has also charted the changes made along the way in completing this research, from the design, accessing participants, collecting fieldwork and finally, analysing the data. In the next section, I wanted to reflect on the processes I adopted and some of the challenges and dilemmas faced, which made using Layder's adaptive approach all the more important, but which also forced me to consider what could have been done differently and how I would approach such a task in the future.

#### **4.7 Personal reflections**

At the time of undertaking this study, the North Liverpool Community Justice Centre had been set up, under a glare of publicity. There was a sense of optimism for this different approach to dealing with crime through the courts, based on the reported success of the original model from Red Hook in Brooklyn and Manhattan in New York. It presented me with an interesting and exciting opportunity to formulate a research study and very quickly, I saw links between this and social capital theory. During the initial stages of the literature review, I became aware

that evaluations of the courts in Liverpool and Salford were underway, relatively quickly after the introduction of the courts and I felt this made my research timely and relevant to understand this new initiative. It was also important, just like the Mair and Millings (2011) study that some time would pass before I began my fieldwork for the courts to embed and become part of the community. It was this latter aspect which presented me with my focus, to assess the role of the community court and the experience of the community in which it was implemented.

Layder's (2006) social domains offered a framework for this study, as having reviewed literature on defining 'community', I began to see the complexity of this and how it examined the interaction between individual experiences, the relationship between citizens and the state and the impact of broader socio-economic conditions. While Giddens (1998) work on structure and agency offers a means to understand this interaction to some degree, Layder's work presents domains which better reflect the complexities of these interactions. As discussed in the methodology section, these interactions will impact on individuals' experience of community, and therefore of community justice. I could see how this approach would fit with my case study design and allow me to examine the implementation of community courts, and other initiatives, in the context of understanding community and the processes of doing justice locally. Having an exploratory phase to the fieldwork achieved several things – it helped me maintain the contacts by allowing me to conduct some fieldwork relatively early on in the study, and being able to test the interview schedules, and identify themes for the next phase of the study. It was also useful for me to feel a sense of progress being made on the research, being a pragmatic person and doing this research part time, conducting fieldwork gave a much needed boost to my motivation and focus. The first phase of the fieldwork meant having to rethink asking participants about their understanding of the term 'community.' It demonstrated what an abstract and complex term this is as I found myself often having to give further prompts, such as 'what makes a good community?' or 'what are the features of a community that works well?' It was also necessary to give some explanation of community justice to some participants, as it has so many meanings and incarnations.

The participants in phase one were responsive and willing to talk, some interviews lasting longer than the planned 30-45 minutes, which was encouraging in that I had a sense I was speaking to the right people and we were able to freely discuss the issues. Having some



experience in this, I was aware that sometimes participants are non-responsive, or give stilted answers. As there were more interviews to do with a wider range of groups and participants, I did not want to take this for granted. I made sure I kept up the practice of having prompts for questions and strategies to try and get participants to be confident in expressing their views. During phase 2 of the study, I did find among some participants a lack of confidence and so adopted methods to help them, by using prompts such as 'tell me more about that'; even if it was diverging from the core aims of the study. My intention was then to direct them back to the aims of my study, feeling more at ease and comfortable talking to me. This occurred when interviewing student volunteers working for Victim Support, who seemed reticent and unsure what they could talk about, so I shifted discussion to ask about their reasons for volunteering and experiences of living and studying in Teesside. This then enabled me to take them back to their views on the work of Victim Support, working with other agencies and their views on their local community.

One of the biggest challenges for this study was accessing participants, from a diverse range of groups, as a lone researcher. I was able in the early stages to speak to court staff, probation staff and senior police, and they were helpful in setting up contacts with colleagues and providing suggestions for others, especially voluntary organisations. However, securing participants from voluntary groups was problematic, as many said they were simply too busy to free up time for volunteers to speak to me, even with the offer of shorter telephone interviews or a focus group. This will always feel like a limitation for this study, that more interviews could have been done with voluntary groups, especially faith-based groups and those working with young people. This prompted me to expand my 'community profile' beyond collating statistical information on Middlesbrough, to do a mapping exercise of various charities working in the region. This was also in response to speaking to participants who alerted me to organisations they worked with, and I began to see this was an important aspect of studying this community. It also enabled an analysis of these initiatives as examples of the domains of *situated activity* and *social settings*.

The majority of the research into the examples of community justice and local charities was internet based, as organisations use websites to publicise their work. However, at this point I also noticed that such organisations were increasingly utilising social networking as a means of interaction with local residents and to add up to date news about events, campaigns for

funding and requests for volunteers. This did raise some important ethical considerations and required an examination of existing ethical principles and to make the distinction between what is publicly accessible and the use of internet sites to collect primary data. The use of data from these sites reflects the shift to virtual communities as part of the landscape of how we now understand community, and because of my focus, how we also perceive crime and justice. However, in line with establishing quality and rigour in research, the question of the authenticity of the data collected must be acknowledged. For a mapping exercise using websites and some limited social networking data (set up by neighbourhood policing teams and residents), I felt this was not a major concern for my study. It was not my primary source of data and given that there is arguably greater authenticity in qualitative data collected from one to one interviews (Seale and Silverman, 1997), I did not feel that this would undermine the credibility of my study. That said, those who have used such data (Stewart and Williams, 2005; Teli et al 2007) have acknowledged these issues and the need to find ways to overcome the pitfalls of using online data, as it represented a means by which to gain access to rich sources of information.

To code my data, adopting Layder's (1998) approach here was once again useful, to adopt theoretical and thematic strategies and then use the data to establish codes and sub codes. Using NVIVO was very useful to organise the data, and to be able to keep track of the themes and codes and ensure they aligned with the aims of this research. This was important to deal with those interviews where participants had deviated from the question but had also elicited interesting data. The process of analysing the data emphasized how important getting the coding right was. I needed this overview and in-depth understanding to begin to examine the findings in light of previous research and draw conclusions from my study. While at times, NVIVO felt almost as laborious as coding by hand, as a tool to enable analysis it was extremely valuable, worth the effort in the process of developing the coding frame, coding the data and being to use the reports as the basis for the discussion of the findings. It also informed the process of reflection on my study, to really see the contribution and potential for the work.

I felt the aims and objectives of the study informed this to some degree, it was only on having oversight of the data that I was able to really see how the study was contributing to understanding community and community justice. I also began to see how my research fits

into the bigger picture, in relation to the political ideologies which have informed criminal justice policy and how these seem to undermine community cohesion, leaving community justice with a more difficult task to achieve its aims. This meant I began to quickly formulate the concluding discussion themes, to ensure a focus on my own aims, while acknowledging the broader issues raised by an examination of community justice. Undertaking a qualitative study did make me more aware of issues around reliability and validity, and so it was important to examine how quality and rigour are achieved in this form of research. Seale and Silverman (1997) and especially, Lincoln and Guba (1985) presented approaches to enable a meaningful consideration of the validity of this work, by ensuring authenticity, transparency and undertaking a process of reflection to audit the research, and critically examine my approach.

As I wanted to distinguish my study from the evaluations of the courts, and similar initiatives, and consider the experience of these initiatives, I knew I needed a breadth of participants. The challenges of accessing such a wide range of groups meant adapting the study to find sources of information about the community I was studying. It also prompted me to think of ways to study Middlesbrough as a place with an interesting socio-economic history which challenged the notion of 'community' as it has been adopted in social policy. The profile of Middlesbrough therefore became important context for the study, and had to include a mapping of community justice, again as context for the qualitative data. I wanted my study to contribute to debates about how 'community' and 'justice' are understood and perceived, to critically examine how community is used as a foundation for social policy. This was particularly important for a study on community justice, as an area of policy which offers innovation and potentially transformative effects for offenders and victims. Given this focus, there remains a limitation to this research as discussed above with regards to the number of residents interviewed and the constraint I placed on this, by seeking those I deemed engaged with their community. This felt like an important aim to consider in the design and execution of the study, to have a more selective approach to sampling, but given the limited response rate from this, a more proactive random sampling approach was needed. In future, I would re-consider and adapt my sampling approach in the spirit of Layder (2006), to meet the aims of the study and also ensure validity and reliability, by not excluding potentially important contributions.

## 5: 'LIFE IN DOGGY': A PROFILE OF MIDDLESBROUGH AND THE NORTH EAST REGION

This chapter provides a recent history and profile of Middlesbrough and the North East. It also examines various community justice initiatives in the area. It is intended that this chapter will provide useful context for the qualitative research findings, which present the views of professionals, residents and volunteers, on their experiences of community life and community justice (see Chapters 6 and 7). Layder's (2006) social domains of *situated activity*, *social settings* and *contextual resources* will be used to examine these data about Middlesbrough as a place where various activities and interactions occur, while also acknowledging the influence of the economic environment in which the community exists. This enables the development of a profile of the community chosen for the fieldwork to connect with the qualitative data on the experience of living and working in the community. This interconnectedness is vital to examine 'community' using Layder's (*ibid*) domain theory, and reminds us that social phenomena, the response to them, and the broader influences upon this should not be examined in isolation.

### 5.1 'Life in Doggy' – A recent History

Middlesbrough and the surrounding region of the North East has faced decline and disappearance of coal mining and steelworks industries, most recently in Redcar with the closing of the SSI Steelworks. It has also experienced some growth in employment opportunities with the expansion of Teesside University (granted university status in 1992), and the development of the Middlesbrough Institute of Modern Art (MIMA) Gallery. This was specifically set up to celebrate the town's industrial past and post-industrial future (Menzies, 2011). In nearby County Durham, the last coal mine to close was replaced by a football stadium and hailed as an example of a modern development to rejuvenate the area and replace lost jobs. In addition, events such as the National Garden Festival in Gateshead in 1990 were specifically planned to regenerate derelict industrial sites, such as the coal mine in Staithes.

Shopping and leisure complexes were also built, to offer job opportunities in retail and other sectors, as more collieries such as Dawdon, Murton, Westoe, Wearmouth and Easington were closed down during the early 1990s (*ibid*). These events demonstrate the impact of economic decisions on local communities, where old established industries have been replaced with new developments and opportunities. However, it is important to note that in 2015, the North East region lagged behind the national trend of steadily increasing employment.

The closure of the Redcar SSI Steelworks led to the loss of 1000 jobs, but also had a broader impact on the region, as business was lost for local contractors working on peripheral services and suppliers (*ibid*). The activities of local residents, who found themselves designated as jobseekers, were affected by the loss of *contextual resources* represented by this significant economic change. This seems to be part of the history of Middlesbrough and the North East, where industries such as the coal mines and steelworks have declined and then disappeared, and where very different types of work have been offered as replacement. While the provision of re-training opportunities to help ex-miners or ex-steelworkers could offer replacement jobs, what has been lost is the distinct *social settings* and *situated activity* which formed the sense of community attached to these industries.

In addition to new retail facilities, opportunities to work in sports and leisure sectors grew, with the building of the Tees Barrage in Stockton, the creation of a white-water course for canoeists and the building of the Riverside Stadium in Middlesbrough and the Stadium of Light in Sunderland (Worthy and Gouldson, 2010). These are important settings for *situated activity*, and as well as providing employment, they provide a place in which citizens can come together, unite and show pride for their region. However, again, they represent very different workplaces requiring, in some cases, very specialised skills, which are not easily transferable from the work conducted in the mining and steel work industries. In addition, these are not work opportunities which offer the same level of security which formed an important aspect of the communities attached to coal mines and steelworks. Therefore, once again, we can see that local residents *situated activity* has transferred to different *social settings*, as a result of the changes in the local economy (Layder, 2006; Pruulmann-Vengerfeldt, 2005).

These domains reflect the community as a place where interest and attachments (in this case, to industry) were shared (Wilmott, 1987), but have now been disrupted by significant socio-economic changes, creating inequalities and communities as 'problem places' (Hancock 2001; Ledwith 2011). The decline and disappearance of local industry as a primary employer also represents a removal of a form of social capital, as represented by formal networks in which residents could seek solidarity (Putnam 2000; Woolcock and Narayan, 2000). Given the importance placed on equality of access to resources in the creation of social cohesion (Faulkner, 2003; Rai, 2008; Shapland, 2008), these disruptive changes have implications beyond the loss of employment. The clear benefits of stable employment are steady income, stability for families in where they live, where they use services and interact with others. The experience of community can therefore be irrevocably changed, given that equality of access to resources is considered the most important foundation for social cohesion and social capital, compared to participation in political or legal organisations (Foley and Edwards, 1997).

## **5.2 Middlesbrough and the North East – socio-economic and demographic profile**

In a report based on ONS data, Worthy and Gouldson (2010) provide relevant context about Middlesbrough and the North East region. The region has the lowest population in England, which is attributable to its actual size as the smallest region outside London and the high proportion of National Parks and Areas of Outstanding Natural Beauty. Growth in relation to the population is low, due to low fertility rates and the highest death rates for men aged over 55 of all English regions (*ibid*). The ethnic profile of Middlesbrough and the North East region shows higher than the national average of those from white ethnic groups (including those from Wales, Ireland and Scotland), at 86.1% and 93.6% respectively, compared to the national figure of 79.8%. In Middlesbrough, there is a very small percentage of those from Gypsy or Irish Traveller groups, at just 0.1%, which is in line with the figures for the North East and England. Among those from Asian populations, including Indian, Pakistani, Bangladeshi and Chinese, Middlesbrough has a similar percentage at 6.9% overall, compared to the percentage for England being 6.2%. The Black (African, Caribbean, Black British) ethnic groups in Middlesbrough make up 1.3% of the population, compared to the figure for England being 3.4% (*ibid*).

While these percentages imply that ethnic groups in the region remain a minority, there is an important dimension to the experience of Middlesbrough which is worth noting. A report by Middlesbrough Council (2011) showed that in an overall population showing decline, a significant number of this population were born outside the UK in 2011, including the EU and other countries. The number of inhabitants from black, Asian and minority ethnic (BAME) communities also rose from the previous census of 2001, from 6.3% in 2001 up to 11.7%, which was referred to in the report as a 'significant rise' (p.1). Ward level data also revealed some interesting findings, where increases in population were observed in the University Ward (up 12.5%) and in Linthorpe and Middlehaven. The largest overall decrease in population was observed in the wards of Gresham (down by 15.1%), Clairville (down by 10.6%) and North Ormesby and Brambles Farm (down by 8.1%).

For the council, the specific challenges they highlighted were that Middlesbrough was facing an ageing population, becoming increasingly diverse, with significant numbers being immigrants not born in the UK. These changes were offset by a lack of growth in the overall population, represented by a significant decline in the number of children and young people. These changes had implications for local schools and social care services, on the one hand facing a decline in numbers and threat of closure, and on the other, increasing caseloads for adult social care and health services. The council reiterated that all of these changes raised potential problems in a climate of austerity and cuts to public services. In response to calls by the local MP for Middlesbrough (Andy MacDonald), the Home Office (2016) completed an audit to determine the concentration of asylum seekers in the region.

It was found that Middlesbrough had accepted a disproportionate amount of asylum seekers, due to changes in the dispersal system, where companies such as G4S and Serco targeted areas with low cost and available housing, away from the south east. This strategy was accepted by Middlesbrough Council meaning that previously boarded up houses became houses of multiple occupancy, for asylum seekers. The notion that social cohesion requires tolerance of diversity, in order to generate consensus and solidarity (Mead, 1918; White, 2003; Rai 2008) is difficult to imagine in a community where immigration is represented by a sudden influx, into areas where poor quality housing is designated as home for these groups.

These issues demonstrate how residents' experience of community is changed by external forces and policy decisions, which they have little participation in. For Middlesbrough in particular, the demands on local services such as healthcare and social care reinforce the perception of a town inundated by immigrant populations. So once again, as well as economic decisions affecting their future, where residents face job insecurity, they also experience a drain on resources, and an influx of strangers. Their experience of the domains of *situated activity*, in formal *social settings* is affected by broader *contextual resources* and conditions, as they observe these changes. In addition, a report by the Social Futures Institute at the University of Teesside (Webster et al, 2004) revealed ongoing social divides based primarily on economic inequalities, as middle-class residents continued to move out of the town centre, to the suburbs. This was attributed to the process of de-industrialisation which 'subsequently ghettoised many of its working-class neighbourhoods' (p.3).

They also emphasised a particular problem for younger generations seeking work, in areas with both low and relatively high levels of ethnic diversity. The report painted a picture of a town facing more problems relating to economic deprivation compared with concerns about the influx of refugees and other migrant populations. For local residents, the experience of community is once again disrupted, whether by economic changes or immigration policies, and can be exacerbated by media presenting the latter as the reason for local problems. The tolerance, trust and consensus required as foundations for a cohesive community will become fragile and demonstrate how temporary this can be (ODPM, 2004; Shapland, 2008; Rai 2008).

In acknowledgement of the particular impact of economic changes representing the domain of *contextual resources* on community life, this section examines in more detail these changes for Middlesbrough. As discussed above, in relation to economic prospects, the North East has the lowest average house prices and pay, high rates of unemployment and those on long term sickness benefits (Menzies, 2011). Data on the labour market in the North East show that in 2009, 69% of working-age people were employed, representing the lowest rate among all English regions. Economic inactivity among populations in the North East was attributed to long term sickness (33%), family responsibilities (26%), or being a student (24%).



Overall, since 2004, this represented a decline in economic inactivity. This is corroborated by data from the ONS which shows that there is a slightly higher percentage in Middlesbrough, compared to the rest of the North East and England, of those defined as long term sick or disabled, at 6.8% compared to 4% for England. Unemployment across all age groups (16-24 years and 50-74 years), including those who have never worked or have been unemployed long term, is also slightly higher in Middlesbrough, compared to both the North East Region and England. For example, long term unemployed number 3.1%, compared to 1.7% for England (ONS, 2011). In Middlesbrough, 20% of those working were employed in the health and social work industries, with 15% in banking, insurance and business sectors.

The Index of Multiple Deprivation (IMD2007) showed the North East had the highest proportion of most deprived districts, with Easington and Middlesbrough representing the highest levels, as 65% and 57% respectively. Worklessness (the level of those claiming any out of work benefits) in households was also measured as an index of deprivation, with 23% of households in the North East being defined as 'workless', higher than the England average of 17% (Worthy and Gouldson, 2010). Middlesbrough and the North East have clearly felt the impact of the loss of industry, despite the attempts to compensate for this with new developments and regeneration. This is reflected in the figures on long term unemployment, worklessness and overall deprivation, all of which are higher than the average for regions in England. Figures on long term sickness for the region, again higher than the England average, demonstrate a region facing pressures on the health and social care services. As a comparison to other areas in the north, data from the English Indices of Deprivation (2015), using statistics from 2012/13, shows little change for those neighbourhoods which reported being the most deprived in 2010. This includes Middlesbrough and Kingston upon Hull in the North East, along with Knowsley (Merseyside), Liverpool and Manchester, all of whom have the highest proportion of neighbourhoods designated as the most deprived in England.

Research by MacDonald et al (2014) emphasised that the high levels of worklessness in Middlesbrough were just one of many problems families faced. In this case, worklessness also described young people who had never worked, leading to labels for the ward of 'East Kelby' (a pseudonym) of 'benefit ghetto' (p.6). However, they also reported that this perception was misleading and did not reflect reality, that in fact less than four out of ten people eligible for work were claiming benefits. This study occurred as a result of the media

reporting about a television programme, called 'Benefits Street' (about James Turner Street in Birmingham), which prominent politicians such as Ian Duncan Smith, MP cited problems with 'whole communities' containing residents who claimed 'benefits for life'. MacDonald et al (*ibid*) found that in the two wards chosen for their high levels of worklessness, most households had residents who were employed or had been employed, and disputed claims of inter-generational cultures of worklessness and reliance on state benefits.

This challenged the government's approach to the problem of unemployment as rooted in individuals' making a 'lifestyle choice' and actually, that levels of unemployment simply reflect the lack of opportunities, the rise in temporary and zero-hours contracts, especially in deprived neighbourhoods. This is attributed to rapid de-industrialisation since the 1980s and into the 21<sup>st</sup> century, which have led to persistent levels of unemployment for Middlesbrough, which is presented as a much more convincing argument than stating this as a choice made by residents not to work (*ibid*).

To further understand the context behind the experience of 'community' in Middlesbrough, it is also important to examine in some detail the experiences of crime and victimisation. Overall, the figures are higher than the national average, per household. The figures from the Crime Survey for England and Wales (CSEW) (2014) show crime against households and resident adults has decreased by nationally by 14%, on the previous year, with the exception of fraud cases, which have risen by 17%. The CSEW now also asks respondents about anti-social behaviour (ASB), and recent figures show 12% of adults perceive high levels of ASB where they live, including offences such as vandalism, graffiti, abandoned cars, drug dealing and drug use and noisy neighbours. This represents a decline since 1996, as ASB has decreased, as have perceptions of the extent of the problem, with the exception of respondents experiencing disturbance from noisy neighbours (see Table 3).

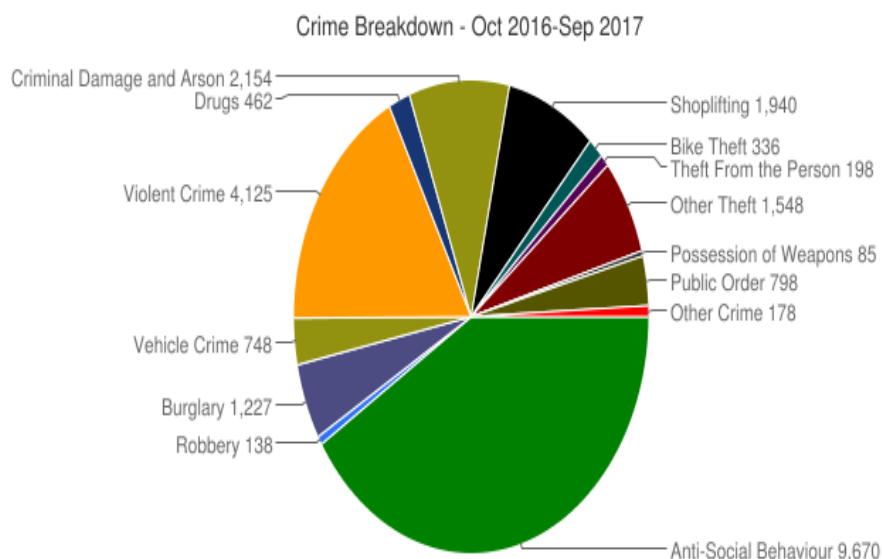
**Table 3: CSEW trends in anti-social behaviour from 1996 to 2013/14 (adapted from ONS)**

England and Wales						Adults aged 16 and over
	Jan-96 to Dec-96	Apr-03 to Mar-04	Apr-08 to Mar-09	Apr-12 to Mar-13	Apr-13 to Mar-14	Statistically significant change, Apr-12 to Mar-13 to Apr-13 to Mar-14 (represented by *)
	<i>Percentages</i>					
High level of perceived anti-social behaviour	:	16	17	13	12	
	<i>Percentage saying there is a very/fairly big problem in their area</i>					
Rubbish or litter lying around	26	29	30	29	29	
People using or dealing drugs	21	25	27	26	25	
Teenagers hanging around on the streets	24	27	30	22	20	*
People being drunk or rowdy in public places <sup>3</sup>	:	19	26	21	19	
Vandalism, graffiti and other deliberate damage to property	24	28	27	19	17	*
Noisy neighbours or loud parties	8	9	10	11	11	
Abandoned or burnt-out cars <sup>3</sup>	:	15	6	3	2	*

**Source: Crime Survey for England and Wales, Office for National Statistics**

For Middlesbrough, ASB is significant as a prominent problem when compared with other types of crime (see Figure 2 below for 2016-7 statistics). This represents only reported crime, and another limitation is it does not show the types of ASB being reported.

**Figure 2: Crime Figures for Middlesbrough October 2016 - September 2017 (Source: UK Crime Statistics)**



However, the prominence of this type of offending and the fact that Middlesbrough faces a higher than national average recorded crime level is interesting. Given the disruptive effects of crime on residents' sense of safety in their community (Hope and Shaw, 1988), this adds another dimension to the problematic issues facing the residents of some parts of Middlesbrough. This is not neglected by policy, as community justice initiatives seek to address ASB, using restorative approaches alongside legal sanctions and presenting this as a mean to also resolve the underlying problems (Karp and Clear, 2000; Wolf, 2007; Skinns, 2007; Donoghue, 2014). The Social Exclusion (SEU) focused on neighbourhood renewal, targeted areas with high levels of worklessness, crime and ASB (Ledwith 2011), and yet was still described as 'tokenistic' in its efforts (Burton, 2003). It was even deemed detrimental to those organisations who had worked to increase cohesion, as the SEU's work neglected to address the structural and persistent inequalities existing in these neighbourhoods, so those working to solve problems were perceived to be ineffective (*ibid*).

This raises issues for criminal justice agencies seeking to engage local residents in schemes to prevent crime and ASB, support victims and accept new ways of 'doing justice', which is explored in more detail in the next chapter. The economy of the region and changes to the opportunities now available, the influx of asylum seekers as a result of the council's willingness to accept them and the higher than average crime and ASB rates all affect

residents perceptions of where they live, particularly those who have directly observed these changes over a number of years. Therefore, the next section explores some of the initiatives under the remit of community justice, which seek to address crime and anti-social behaviour, but which also aim to provide additional forms of support, and a means by which to engender cohesion.

### **5.3 Doing justice in the community: Policing, victim support and community safety in Middlesbrough**

To add to the profile of the community used in this study, a mapping of initiatives, organisations and local projects was undertaken, to demonstrate the range of examples of 'community justice.' This includes those working with victims of crime, offenders and the work of Neighbourhood Policing Teams and others to address crime and anti-social behaviour. In addition, this section presents details about the Teesside community court, which was located in the magistrates' court in the centre of Middlesbrough, to serve the wards of TS3 (Gresham, North Ormesby and Brambles Farm). This section offers a means by which to understand the community under scrutiny in the context of *situated activities* and *social settings* which focus on addressing crime and anti-social behaviour, through both state and third sector provision. It is also useful context for the qualitative data which examines the perspectives of those working in the field of community justice and their partnerships with other agencies and sectors. Layder's (2006) analysis of domains requires an understanding of the interactions which occur between each domain, which seek to explore how the various agencies work together, whether in formal partnership arrangements or more informal situations which seek to meet the needs of local residents.

#### **5.3.1 Third sector organisations**

**My Sisters Place** provides support for women (16 years and over) who are victims of domestic abuse. They describe themselves as a 'One Stop Shop' (see <http://mysistersplace.org.uk>), able to provide a range of services such as therapy and training for other organisations, to recognise the specific impact domestic abuse has on women from all backgrounds. It advocates partnership working, and a core part of their mission statement is to:

‘...tackle all forms of violence and abuse against women through the delivery of accessible support services, education, advocacy, and leading the way to social change’ (*ibid*).

They focus on the areas of safety for women, achieving social justice and ensuring good health and well-being for their clients, through their ‘holistic’ approach, which aims to respond to the range of needs presented by women to access their services.

**The Safer Middlesbrough Partnership** has merged the local Crime and Disorder Reduction Partnership and Drug and Alcohol Action Team, to co-ordinate services which aims to reduce offending, and the fear of crime. In their Community Safety Plan for 2008-11, they aimed to set a range of priorities, including diverting young people away from crime, reducing re-offending and maintaining safety in the town centre and outlying neighbourhoods. In a similar arrangement, the **Safer Stockton Partnership** aims to address crime and anti-social behaviour, working in partnership with local Fire Services, Police, Drug and Alcohol Action Team, Catalyst (a social enterprise organisation), the Community Rehabilitation Company (previously Probation Trusts), HMP Holme House, the local council, housing services, Victim Support and the local youth offending service. Their more recent aims stated in ‘Community Safety Plan’ for 2014-17 are to improve safety in Stockton, through reducing crime and anti-social behaviour. The plan also intended to address the fear of crime among residents, tackle poor parenting, street drinking and other forms of deviance. Residents were also asked which forms of anti-social behaviour they considered to be a priority. This included vandalism, poor parenting, alcohol related disorder, littering and dog fouling. Their work shows an impact on crime, with a reduction of 4.1% over the last 5 years, but they express concerns about rising crime issues in Stockton Town Centre relating to the nighttime economy. Issues considered less of a priority among residents were prostitution, graffiti and restorative practices to solve crime and disorder (Lyons, 2013).

As one of the initiatives developed under the Safer Stockton Partnerships, Stockton Town Pastors was set up to address problems associated with the nighttime economy in Middlesbrough. The aim was to help the local police and pub and club owners to maintain the town centre as a safe place for drinking and socializing. An evaluation of the scheme (Kotze and Whitehead, 2011) reported how important this scheme was in helping to reduce

crime associated with the night time economy. This was attributed to the work of volunteers, who had in depth knowledge of services and support in the local area and was held up as a prime example of an initiative which showed the value of engaging local volunteer groups to reduce crime. The initiative was described as ‘theologically motivated’ and offered care and assistance to those who find themselves marginalized or vulnerable. Forty-nine volunteers are from a faith-based background, and would undertake work patrolling the streets, meeting people in cafes, cleaning the streets and informing the police about incidences of anti-social behaviour and crime. The volunteers are trained in first aid and will also help clients gain access to medical help, with the key aim of getting them back home to friends and family.

**UNITE Mediation** started out as part of a pilot scheme to introduce restorative justice in three estates in Middlesbrough, in 1993. It provides mediation, support, training and restorative services, to support victims, offenders and others impacted by crime, anti-social behaviour and neighbourhood disputes (see <http://www.unite-mediation.org>). They define restorative practice as ‘interventions for victims and offenders’ to include allowing victims to express the impact of the crime and receive an apology, holding offenders responsible for their actions and enabling both to move on from the incident. Offenders are given the option to use restorative practice to make amends for the harms they have caused. UNITE’s work has been shown to reduce re-offending, and they also work in schools and prisons (*ibid*). They also provide ‘community mediation’ to deal with neighbourhood disputes, boundary issues, noise nuisance and other forms of anti-social behaviour. The work of UNITE aligned with the PCC’s Police and Crime Plan for 2014/7, to implement a ‘Restorative Justice Champion’ post within Cleveland Police. The primary focus on this was to divert young offenders from the CJS and promote the use of ‘Community Payback’ schemes. This initiative also aimed to expand restorative justice to deal with adult offenders and promote best practice. However, in 2017, UNITE Mediation was closed down, in a phased approach to meet its commitments, and to divert surplus funding to similar initiatives.

**Victim Support** is a national charity, offering information, advice and counselling to victims of crime, through professional staff and volunteers, as well as practical help to secure property, complete insurance claims and guiding clients through the processes of the CJS (see <https://www.victimsupport.org.uk/>). Research by Victim Support has examined perceptions of community sentences, from the perspective of victims (Victim Support, 2012).

It aimed to establish if victims of crime were willing to accept increased use of community sentences, and to examine the reasons for the lack of confidence in this approach to justice. Their findings indicated that victimisation does not necessarily lead to more punitive attitudes, even though many felt that the CJS did not treat them fairly. While punishment and protection are important elements of justice, for respondents, it was clear among victim and non-victims also valued rehabilitation and reparation. This applied more so to lower level offences, where victims accepted the need to consider mitigating circumstances. The lack of confidence in community sentences seemed to stem from concerns about compliance and a perception that some offenders did not take such sentences seriously. This was also linked to the degree to which such sentences would be seen as deterrents and a valid and effective form of punishment. The report made three key recommendations, that community sentences 'deliver the kind of justice victims want', that victims' awareness and understanding of community sentences needed improving and finally, that they should be given a bigger voice and better opportunities for engagement in the delivery of community sentences.

Prior to this study, a report on victims' perspectives on sentencing also revealed a need for sentencing to be seen as 'meaningful', to have a purpose and aim to rehabilitate offenders, as well as to punish them (Victim Support, 2010). Interestingly, the need for change was linked to the need for greater efficiency to align with the reductions in public spending required as part of the austerity agenda introduced by the Conservative/Liberal Democrat coalition. Victims of crime were also promoted as beneficiaries of a focus on rehabilitation, where justice is not just seen to be done, but is clearly also effective. Victim Support (*ibid*) saw this innovative as central to the 'Payment by Results' approach under the Transforming Rehabilitation Agenda, along with including victims in the process of sentence, through more use of victim personal statements and transparency in sentencing decisions.

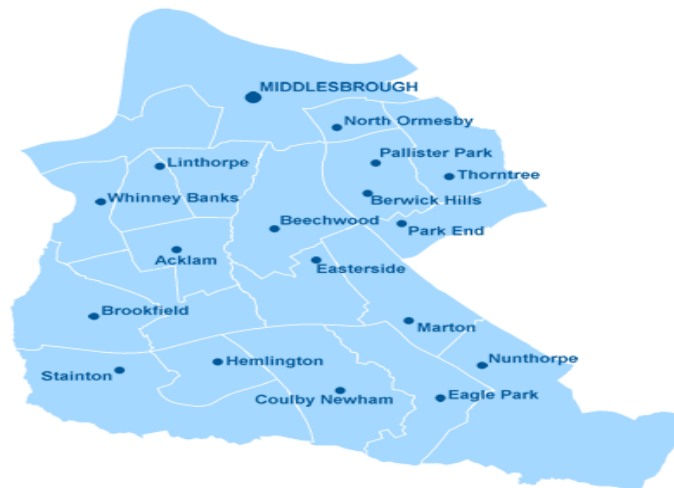
### **5.3.2 Neighbourhood Policing in Middlesbrough**

In Middlesbrough, **Neighbourhood Policing Teams** consist of Inspectors, Sergeants, Police Constables and other staff such as Police Community Support Officers and Ward Officers, to be the 'visible' presence of Cleveland Police and help residents keep their community safe and respond to incidences of crime and anti-social behaviour. They also undertake activities to provide forums for consultation with residents and to check on progress in dealing with



problems. Many teams make use of social networking sites to reach out to a wider group, spreading good news, warnings for residents about potential risks and asking for information (see <https://www.cleveland.police.uk/my-neighbourhood/index.aspx>). Figure 3 shows the scope of the Middlesbrough Ward, with each area having its own Neighbourhood Policing Team (NPT).

**Figure 3: Map of Neighbourhood Policing Teams in Middlesbrough**



The Police and Crime Plan (2014/7) for Cleveland Police presents a range of initiatives implemented by the NPTs in Middlesbrough. These include steps to engage citizens, deal with anti-social behaviour, domestic abuse (to better support victims) and hate crime, again with a victim focus. The 'Your Force, Your Voice' programme incorporated visits by the PCC (Barry Copping) to 82 wards across Cleveland, to hear from residents. Cleveland Police had also gone through a process of re-structuring to deploy more resources to NPTs, to ensure they met demands of residents and targeted hot spots. Other community engagement activities also promoted working partnership with volunteers, housing providers and Teesside University. The first annual Cleveland Community Safety Awards were set up to reward local volunteers, hosted by Teesside University, who also put on a 'Criminal Justice Volunteers' fair. This aimed to promote volunteering opportunities, including working with Victim Support, custody visiting and working as a special constable. As well as increasing the number of Special Constables to 200, the Police and Crime Plan (*ibid*) emphasises the need to focus on anti-social behaviour, with the implementation of 'community remedy interventions' (a form

of reparation) and the 'community trigger' (a mechanism to deal with persistent anti-social behaviour).

### **5.3.3 The Teesside Community court**

Middlesbrough Council's Community Safety and Leisure Scrutiny Panel (2010) produced a report on the performance of the Teesside Community court. A primary aim was to assess whether or not to roll out the court model across Middlesbrough, based on the impact the court had on offenders, compared to the activities of the magistrates' court. This report also aimed to examine the views of the local community, as part of the assessment. Prior to discussing the findings of this report, it is important to examine how the Teesside Community Court was introduced. Its implementation formed part of initiatives which were first discussed in the Government White Paper, 'Respect and Responsibility - Taking a Stand Against Anti-Social Behaviour' (2003). This led to the development of the North Liverpool Community Justice Centre, a model based closely on the Red Hook Community Justice Centre in Brooklyn, New York (see Chapter 3, section 3.6). In 2006, Middlesbrough was chosen as a pilot area to test the community court model in existing magistrates court, which was opened in April 2007. The courts were set up to follow the principles of community justice, which were defined as connecting courts to the community, visible forms of justice, dealing with cases quickly and robustly, using problem-solving approaches, partnership working, restorative justice and 'building communities' (Middlesbrough Council's Community Safety and Leisure Scrutiny Panel, 2010). Strong leadership within the judiciary was also cited as an important component of this form of community justice, as was observed in evaluations of the North Liverpool Community Justice Centre (e.g. Mair and Millings, 2011).

In pursuit of these aims, court staff needed to liaise and engage with the local community, in order to enable acceptance of this new form of doing justice, using community-based meetings to better inform residents about the work of the courts, including sentencing decisions. Case management, oversight and partnership working were cited as the mechanisms by which to deal with cases quickly, and support compliance with the problem-solving approach. This approach also intended to incorporate the community into decisions made, using (CIS) for various crimes and anti-social behaviour. These processes were to be implemented alongside keeping victims and witnesses fully informed, engage local residents

in decisions about unpaid work and finally, to improve social cohesion and support the resettlement of offenders (Middlesbrough Council's Community Safety and Leisure Scrutiny Panel, 2010).

The agencies involved were managed by the Cleveland Criminal Justice Board, and comprised representatives from the court, police services, Crown Prosecution Service, probation, youth offending services, Victim Support and local community safety partnerships. East Middlesbrough was chosen as the target ward for the community court, as it experienced a high level of low-level crime and anti-social behaviour, which fit with the remit of the community justice principles being adopted (*ibid*). The court in Teesside followed the model introduced in Salford, where a community court was set up in existing magistrate court buildings, as opposed to building a new court building in East Middlesbrough (see Brown and Payne, 2008, Chapter 3, section 3.6).

The report by the Middlesbrough Council's Community Safety and Leisure Scrutiny Panel (2010) emphasised several other unique features of the court as being able to attach requirements to community orders, that defendants must attend reviews with the lead magistrate, to ensure continuity of oversight. It also advocated that magistrates engage in dialogue with defendants, to challenge their behaviour and establish their needs to be met by the problem-solving approach (see also Donoghue, 2014). This would be supported by offering training to the community court magistrates, in which they would learn more about the wards targeted in east Middlesbrough.

During the first 10 months of the community court, 800 cases were heard, and staff also set up advice surgeries to assist defendants with fine payments and other debts. The court also made use of local community centres in North Ormesby, as a form of outreach and to engage local residents in the processes of sentencing. The Middlesbrough Council's Community Safety and Leisure Scrutiny Panel (2010) reported that the court achieved the principle of 'justice being seen to be done', due to the transparency of its work in the local community, and the increased reporting of offences. They cited this was also supported by initiatives to raise awareness of the court, but that more work could be done. This work was also supported by partnership working, especially in fulfilling the problem-solving work of the court and ensuring consistency in the judicial team dealing with cases.

## 5.4 Summary and conclusions

As a case study of 'community justice' in Middlesbrough, this chapter provides important context for the qualitative findings. To better understand the region and the community under scrutiny, the broader economic and social changes which affect the experience of living and working in Middlesbrough needed to be examined. It served to focus on the indices of multiple deprivation and crime, along with presenting a brief history of the significant changes the town has experienced, relating to the changing job market and immigration. This is a town which has faced sustained loss of industries which provided direct employment and work for other sectors and services. Crucially, this loss has only been mitigated to some degree by the influx of new jobs and tourist attractions. The profile presented here aligns with the social domain of *contextual resources* (Layder, 2006), and demonstrates how important it is to understand community life in this context. As discussed in Chapter 2, the experience of 'community' must be examined in the context of broader issues, as well as the interactions which take place. These *situated activities* seem to be the focus of policy makers, as examples of cohesion, development of networks and trust, especially when this occurs as part of a relationship with the state and third sector. They occur in various *social settings* which, again, offer a focus for policy to place responsibility for solving problems, such as the neighbourhood policing team engaging residents to help prevent crime.

However, all too often, the notion of community neglects the broader economic changes which impact the resources available in any given place to address problems, and the willingness of residents to engage with the state. This is particularly pertinent for Middlesbrough as a town and part of a region, which has lagged behind the rest of the country, as of 2015, in terms of employment figures. This has occurred alongside the strategy to accept a significant number of immigrants by Middlesbrough Council, to create a very different experience of community, especially perhaps compared to that imagined by those seeking to use policy to create social cohesion and social capital (see Chapter 2, section 2.3). Webster et al (2004) demonstrate the problems facing Middlesbrough as relating more to economic deprivation than immigration, even with the influx of immigrants in recent times. The class inequalities are observable where certain wards of Middlesbrough have become working class 'ghettos', offering a very different experience of community life compared to the wealthier suburbs. However, it is also important to understand the nuances behind the

figures, which present Middlesbrough as a place facing higher than average unemployment, worklessness and an overall decline in economic activity (ONS, 2011). While these are key factors in determining the level of deprivation of any ward, they need to be examined in light of the changing job market in Middlesbrough and Teesside, i.e. with the closure of mines in the late 1980s and then, more recently the closure of the SSI Steelworks in Redcar. The research by MacDonald et al (2014) provides a useful example of the interaction of social domains, as the *contextual resources* have clearly impacted the type of *situated activities* and *social settings* in which residents interact. To bring in the other domain of *psycho-biographies*, (which is applied to a greater degree in the next two chapters), we can also see how individuals' behaviour has had to change, due to the nature of the job market. The jobs they undertake are not secure, vary from one sector to another and do not offer the same level of security or skills development many workers experienced when working in the industrial sector. These are very different to the perceptions of inter-generational worklessness as a choice, as reflected politically and in reality television programmes.

Along with the economic problems and the recent influx of immigrants, the residents of Middlesbrough also face recorded crime figures, which are higher than the national average. This presents a particular challenge for those working in the CJS seeking to gain acceptance of innovative forms of justice, and engagement of local residents in other ways. As discussed above and in Chapter 3, this innovation is implemented by various criminal justice agencies, working with the third sector, to try and treat crime as a problem to be solved. The mapping of community justice presents examples of *situated activities* in various *social settings*, which impact the experience of residents and those passing through the CJS. These initiatives offer support for victims of domestic abuse (My Sister's Place) and other crimes (Victim Support). There are also examples of partnership arrangements in place to reduce crime and tackle specific problems such as drug related crime, anti-social behaviour and excessive alcohol use (the Safer Middlesbrough Partnership and the Safer Stockton Partnership). The partnerships include local police, the housing sector and an initiative set up to tackle problems associated with the nighttime economy, using faith-based organizations (Stockton Town Pastors) (Kotze and Whitehead, 2011). Restorative Justice had a prominent presence in Middlesbrough through UNITE Mediation. They played an important part in resolving neighbourhood disputes and setting up mediation between victims and offenders. Despite this evolving into a role within Cleveland Police and their plans to expand their services to

deal with more adult cases, the service was phased out and closed in 2017. These services were separate to the problem-solving approaches in the Teesside Community Court, as they had a diversionary function, and the focus of the court was still on the offender's behaviour and need for support to change.

The Police and Crime Plan (2014/7) for Cleveland Police highlighted a focus on victims, and consultation with local residents through the 'Your Force, Your Voice' programme. This was all to be done while cuts were made to the police budget, which also informed the strategy to take on more volunteers, in the form of special constables and custody visitors. This also occurred alongside the implementation of initiatives to allow residents to seek reparation (community remedy interventions) and report when persistent problems are not resolved (community triggers). In addition, the Teesside Community Court was hailed as a prime example of community justice in action, in the form of problem-solving approaches and engagement with residents. The courts also adopted case management approaches, partnership working and oversight of defendants to ensure compliance, to demonstrate that the court was a place where justice was done. Transparency in their decision making was also important, which was achieved through outreach work, using CIS in sentencing and ensuring victims of crime were kept informed about cases. The ward chosen for the courts, in east Middlesbrough experienced high levels of low-level crime and anti-social behaviour, which were the focus of the courts, and enabled them to focus on solving these problems in a community setting. This was primarily in Teesside Magistrates' Court, but they also heard cases in local community centres in North Ormesby, as a means by which to show transparency of this form of justice and allowing residents to be more accurately informed about sentencing decisions. These developments present examples of *situated activities* in *social settings* in the form of innovations in justice. The mapping of community justice in Middlesbrough has also revealed examples of the shifting sands of community justice and broader *contextual resources*. This includes the closure of UNITE Mediation, the increased use of volunteers to achieve the aims of the policing plan and the limited use of the community court model. The next two chapters examine in more detail some of the challenges of implementing community justice initiatives, from the perspective of practitioners and local residents. This more detailed analysis is presented thematically, to consider how community is perceived and understood, along with the experiences of community engagement, partnership working and problem-solving approaches.

## 6: EXAMINING COMMUNITY AND COMMUNITY ENGAGEMENT

This chapter presents qualitative data exploring the meaning and experience of ‘community’ and ‘community engagement’, from interviews with those working in the field of community justice, and in some cases, also living in Middlesbrough. This includes magistrates, police officers, volunteers and a small number of residents, to provide a breadth of perspectives and to hear from those directly involved in the processes of justice (see Table 1: Community Justice Study – Interview Participants). To emphasise the need to understand participants’ views and experiences of community, Layder (2006) reminds us that individual experiences of community need to be examined in the context of broader influences, or social domains. In this sense, individuals are both ‘inside and outside society’ (*ibid*, p.299) and therefore, offer a valuable perspective on their community, as a place where they live, work and interact. These accounts also reflect the differences in experiences of ‘community’ which are subject to variations in status, access to resources, level of security and capacity to benefit from various policies and initiatives. This is needed to explore the assumptions made about living in towns such as Middlesbrough and how this affects residents’ lives, and the implications this has for criminal justice policies which promise a transformative effect (*ibid*). The chapter therefore has more focus on the *psycho-biographies* of those working and living in Middlesbrough, within the context of the broader social domains that impact on these narratives. The qualitative data is also explored in the framework of theories and definitions of community which have formed the basis for policy making, for example, communitarian perspectives, social cohesion, social capital and collective efficacy.

### 6.1 Understanding the ‘community’

The assessment of community from participants’ interviews generated several consistent themes and points of discussion, which were used in this analysis as principal codes. These codes denote the core experiences of community and the terms participants used when describing their experiences and views on what community meant to them. Table 4 shows the prominence of these codes in relation to the frequency of the number of items coded from transcripts across the sample.

**Table 4: Number of coding references generated by participants (n=23) discussing ‘community’**

CODE	NUMBER OF CODING REFERENCES
SENSE OF BELONGING	32
IMPACT OF CRIME	32
PARTICIPATION	28
PRIDE	25
DECLINE	20
LACK OF INTERACTION	16
DEPRIVATION	12
ANTI-SOCIAL BEHAVIOUR	12

Participants’ responses when asked about what constitutes ‘community’ reveal some interesting issues. The prevalence of the items coded does not reflect the number of participants, but the number of times the theme/issue was directly mentioned by participants or referred to as part of their experience of community. Therefore, the first four themes of ‘sense of belonging’, ‘impact of crime’, ‘participation’ and ‘pride’ reflect the prominent ways in which participants understood and experienced their community. Layder (2006) suggests that *psycho-biographies* reveal that the ‘experience of social life is as likely to be one of disappointment and anxiety as it is of security and trust’ (p275). While the more prominent themes coming from the data reflect the latter aspect of this experience of social life, it must be noted participants were discussing what makes a ‘good’ or ‘cohesive’ community at this point, and so the accounts reflect the sense of belonging, having pride and feeling able to participate in various aspects of community life. The latter themes came from participants then developing their responses into their experiences of their community, and it is interesting to see here reference to the impact of crime, decline and deprivation and anti-social behaviour. This reflection of ‘disappointment and anxiety’ (*ibid*) reveals what undermines and disrupts cohesion in the community, as represented by prominent social issues identified by participants.



### 6.1.1. Belonging, pride and participation make a community

The accounts of the community and interactions with others provide insight into how participants perceived their community in the context of discussion about what a cohesive community ought to be. These experiences of Middlesbrough and North Ormesby reflect *psycho-biographical* accounts which have occurred in a range of *situated activities* and *social settings* in which positive interactions occurred to create a sense of belonging, trust and security. These accounts also emphasise the need to understand the differences in the capacity of individuals' resilience in coping with significant changes and life events (Layder, 2006). This resilience can be fleeting and dependent on ontological security, but also, as emphasised by Layder (*ibid*), also on individuals' ability to manage their own needs and that of others. The need for interaction between residents to create a cohesive community is clear in the account of what is meant by this from one of the community court magistrates:

'Cohesive means pull together, glue together rather than disparate individuals who do not know each other, do not care and get on with their own lives in total isolation' (Magistrate in Community Court 1).

There is specific reference here to the lack of both interactions between residents, and pride in the community leading to isolation and impacting on the experience of community, as a place where residents ought to feel they belong. Even within positive connotations of community, there were differences in emphasis as to the foundations for this, for example, a 'sense of community' for some was attributed to certain types of location, along with a consensus of views, pride and wanting to interact with others:

I grew up in a little pit village and to me that is what community is about – it is about looking after each other, having understanding of people's problems, having time to help, being part of a bigger group... (Police Inspector).

This account of community reflects to some degree the distinct categories of community offered by Wilmott (1987) (see Chapter 2, section 2.1), which assess community as a place of interaction and consensus among residents, whether through work, leisure or geographical proximity. Location here is presented as a significant element, but clearly it is residents' behaviour, attitudes and motivation to participate that are also required. This aligns with the view of cohesion as also dependent on the presence of reciprocal relationships and shared

identity (e.g. Faulkner, 2003), and a place where community life is structured by 'routines and rituals' which can alone produce 'ontological security' (Layder, 2006: 275). This security that Layder refers to is reflected in the individual accounts of participants, as they were asked about their experiences of their community, with reference to those social issues which undermined this as a place of cohesion and safety. This perhaps then explains why issues such as crime, deprivation and a sense of the loss of interaction and belonging were prominent in these accounts.

The experiences of belonging and community 'spirit' in Middlesbrough and in particular, North Ormesby – affectionately known as 'Doggy' – were also present in local news articles:

'This small working-class area with a big heart has taken its knocks over the years with the decline in industry, but one thing remains the same, and that's the community spirit that continues to thrive. When the Evening Gazette went out onto the streets of "Doggy" - as it is affectionately known - the one constant among those we spoke to was the sense of place people felt. Everybody knows everybody else in North Ormesby and that's what keeps people there (Middlesbrough Evening Gazette, 2010).

This account shows how local press were keen to present the town as somewhere to value and have pride in, despite the problems it has faced, and that a sense of belonging, support and positive interactions persist. However, with particular reference to the ontological security felt by residents and readers of the local press, stories relating to crime were still very much presented as a threat to safety, a disruption to the normal values of community in Middlesbrough and, as a problem to be removed:

**Gazette report:** A homeless man thanked a judge for locking him up yet again – after he breached his ASBO for the 166th time. [Mr M] made sure he was caught by flouting the order right under the noses of police, a court heard. Not for the first time, [Mr M], 57, strolled into Middlesbrough Police HQ clutching an alcoholic drink. He told officers he had an anti-social behaviour order and promptly breached it by swigging the alcohol in front of them. It had the desired effect as [Mr M], of no fixed abode, ended up back in custody for the umpteenth time.

The threat to 'community' as a place of belonging, trust and security are discussed with more examples from participants in the next section, as they were prominent in the discussion of 'community'. Any sense of loss of this experience of community it seems was more keenly felt in a place where residents still valued day-to-day interactions, as indicative of belonging

and pride. This was clear when residents compared their experiences with those of others living in more prosperous areas of the south east of the country:

My husband is from down south and he could not get over the fact that if we went to the market, it took us so long to get there because we kept talking to people, and people saying hello.....so when we got married he wanted to come to me up north, people talk to each other (Local Resident 1).

It is examples like this which reinforce ideals about a 'sense of community', naturally occurring interactions and a feeling of safety which allows and enables this. The loss of these interactions among residents was viewed as a generational difference in attitudes, with regards to their significance:

Old people will smile and say hello, you might be the only person they speak to on that day, well a lot of old people are on their own, I do feel that well...it is the generations.....I think that's what's wrong with the nation that lack of communication and lack of conversation (Victim Support Volunteer 1).

These narratives provide us with *psycho-biographical* accounts as they occur in the context of *situated activities* – the domain in which the majority of individual experiences of community occur, predominantly as informal interactions (Layder, 2006). Others have referred to the sense of obligation required on the part of residents to help to create a community, which is a safe and secure place to live (White, 2003; Hughes, 2007; Hopkins-Burke, 2014). There is also suggestion that 'responsive communitarianism' can occur through individuals taking responsibility for their quality of life, including their immediate environment (Etzioni, 2003; Hopkins-Burke, 2014). This is perhaps manifest for many as pride and a 'love' for their community, this obligation felt by residents as long as it is embraced and shared:

Having those shared values, wanting the place to be nice and safe, wanting everything to look nice, knowing your neighbour, having pride in what you do and looking after those people (Police Inspector).

This resonates with Faulkner's (2003) view that community needs more than just proximity of residents in any given location, including shared values, and 'mutual obligation and respect' (p.291). However, this limits our understanding of cohesion in communities to the interaction between the domains of *psycho-biography*, *situated activity* and *social settings*. It is at this

point we need to remember the domain of *contextual resources* as represented by economic structures and political ideologies. They dictate the level of support provided to local state agencies to act and prevent social problems from escalating, to create a community, which becomes fragmented as well as deprived, or 'unsettled' (Durkheim, 1960:103). The consequences of this series of events is labelling such communities as 'problem places' (Hancock, 2008), or 'pathological', in the sense of being irredeemable as safe and secure places to live (Young, 2002) (see Chapter 2, section 2.1).

However, to suggest that *contextual resources* are the most significant influence and determine the outcomes for community is simplistic. Layder's (2006) model of domains has represented this as an outer domain, exerting influence over the others (see Chapter 4, p. 109). It is also important to remember the other domains reflect the more frequent interactions and relationships which occur, and which more closely inform the experiences of community reported by participants. They did refer to the 'bigger picture' of life in Middlesbrough, but were keen to present a positive account of community, despite the economic decline the town has faced:

Even in tough areas you can see the community spirit, they are all involved with what is going on, they are tight knit, they all know each other and each other's issues, sometimes they deal problems themselves – in tough areas some of these communities are fabulous, better than the nicer areas, to be honest (Magistrate in Community Court 2).

Indeed, this narrative of community is not just presented in the context of cohesion existing despite the economic problems, but actually that a better sense of community and 'spirit' exists because residents in more deprived areas value interaction and being accessible to each other:

I think community spirit is better in the not so affluent areas, not the best dressed, their vocabulary might not be good, but they know each other and they are approachable (Magistrate in Community Court 2).

It may be the case that deprivation, industrial decline and lack of secure employment becomes the pervasive 'trauma', which unites residents where 'community' is created as a response to adversity (Mead, 1918; Shapland 2008). The discussions about participants' experiences of community demonstrate the role of cohesion as represented by a sense of belonging, trust and

sharing values, which create these conditions. These experiences reflected interactions between the domains of *psycho-biographies* and *situated activities*, as they were focused on regularly occurring, natural interactions at a local level. The next section examines how these accounts evolved into discussion about what disrupted positive experiences of community, from what participants observed themselves, or what they perceived to cause problems for themselves and others. These accounts broaden the experience of community to *social settings* and *contextual resources*, as participants recount their experiences of dealing with the state and others to address crime and anti-social behaviour. They also refer to changes observed as a result of inequalities and tensions created by industrial decline and the influx of immigrant populations (see Chapter 5, section 5.2).

### **6.1.2 Disrupting the community**

Persistent deprivation may trap residents 'socially and spatially' in economic terms and in relation to prospects for improving quality of life (Hughes, 2007:13), but it was apparent from participants that crime and anti-social behaviour also had a significant effect on community life. This was reported from those working and living in Middlesbrough and North Ormesby, a ward which has faced problems such as poor housing, unemployment and a lack of prospects which adversely affects residents' quality of life (Worthy and Gouldson, 2010). This is replicated in deprived communities throughout the country (Donnison 1995; Balchin 95; Hope and Shaw, 1988) so it was useful to hear from participants more specific details about what they felt represented a disruption to a cohesive community.

In addition, it is important to consider that the harmful effect of crime has been presented as a motivating force, albeit temporarily, by providing residents with a common goal of seeking justice and reparation (Shapland, 2008), or as a unification of residents in solidarity against those that harm (Mead, 1918:591). The accounts of community as represented by *psycho-biographies* reveal a sense of security and trust which can be temporary and easily disrupted (Layder 2006). Others have referred to crime as representing a form of disruption to community life (Sampson et al, 1997) especially those events, which are common, persistent and impact on the quality of life in any given location (Hughes, 2007). Indeed, among residents, the historical and current levels of deprivation it seemed had not eroded 'community spirit', which was maintained by those families who were 'born and bred', but this was

seemingly more easily disrupted by new families coming to the area, who did not subscribe to established norms:

'That's where the community is, the people who are born and bred....but if you want that sort of community, you want to live a normal life, this has just been my experience lately, just a couple of families causing problems, but they think it is a normal way to live (Local Resident 1).

Hughes (2007) has suggested that crime and anti-social behaviour exacerbate problems for local residents, already experiencing unemployment, poverty and tensions associated with the influx of immigrant groups, so it may be that the impact of crime is seen as a symptom of these issues and the least tolerable outcome for residents to experience. Court staff echoed the views of residents in relation to the sense of pride *despite* high levels of unemployment, and a lack of prospects for younger generations, in that these were problems which residents were willing to try and overcome:

This has the highest level of NEETs [not in employment, education or training] in the country, high level of unemployment and people on benefits, so huge deprivation, lots of shops closing down, lots of people without work, lots of single parents lot of aspects you might say would contribute to a deprived community but a huge love and care for their community (Magistrate in Community Court 1).

Perhaps this can be explained to some degree by Etzioni's (2003) assertion that the reproduction of the values associated with community cohesion is attributed to individuals and 'historically transmitted' via family, schools and voluntary associations. There appears to be a tolerance of the broader contextual issues, which impact on residents' quality of life, and an acceptance of the struggles for subsequent generations, manifest as continuing pride in their community. However, from a policing perspective crime was spoken of in terms of broader problems, as indicative of an area as Hughes (2007) asserted where offending and anti-social behaviour demonstrates detrimental effects on residents' quality of life:

Gresham (TS3) is our crime and ASB hotspot area and has been for some considerable time, we have done vast amounts of work in relation to proactive policing and from a response perspective. The issues we have in that area, again tend to stand because a lot of the people who commit crime live there and will not leave it, it makes it easy for them. If you have a high concentration of known criminals in a particular area, it probably follows on that you have a high level of crime and everything that

goes with that; if you have high level of crime and then people lose interest in the community, things look shabby and such like (Police Inspector).

As an area with a persistent 'ASB' problem, denoted here as a 'hotspot', TS3 becomes a location requiring proactive work by the police, in recognition of their role as neighbourhood policing teams. This problem-solving approach is discussed in more detail in the next chapter, as it demonstrates a clear focus for practitioners working to manage crime and anti-social behaviour in the community.

Layder's (2006) model of social domains demonstrates how each one exerts a different level of influence over individuals, in that *contextual resources* is placed further from the experiences represented by *psycho-biographical* accounts, compared to the other two domains. However, while residents in a community may not be aware of the impact of these broader structural changes affecting them, there are many who have presented evidence that social and economic policy decisions clearly affect residents' quality of life and interaction with others at a local level (Fraser, 1997; Young, 1999; Burton, 2003; Ledwith, 2011). Perhaps then, as crime and anti-social behaviour and the response by the CJS occur within the domains closer to individual's experiences, i.e. *situated activities* and *social settings*, to residents they form more prominent issues when discussing disruptions to community life. This also perhaps explains the rationale behind the aims of community justice, to improve the quality of life for citizens and engage them in working with the state, by focussing on the immediate problems of crime and anti-social behaviour (Karp and Clear, 2000; Wolf 2007). That said, some accounts of 'community' in this research did refer to the impact of industrial decline and deprivation, where one resident recalls the impact of the first time the steelworks were closed in Redcar:

Personally for me, Redcar is also quite depressing, it was a bustling seaside town in the 60s and 70s .....the steelworks closed and jobs were lost, but it was re-opened and people got their jobs back, the steel works is the lifeblood for the area, but I do not think the security is there now (Local Resident 2).

The experience of community having changed was also reported by those working in the third sector in Middlesbrough. This was manifest in reports of the lack of integration between some immigrant groups, which is perceived to have occurred despite the best efforts of those in local government:

Well speaking personally and not with my victim support hat on, I would not have said there is a strong community spirit in Middlesbrough. I feel it is very disjointed and there is a lot of intolerance from one pocket of Middlesbrough to the next..... but I can see its not through lack of effort to try and improve this (Victim Support Team Manager).

Echoing the problems faced in Middlesbrough and specifically, the ward of TS3 CJS practitioners often referred to the broader problems, which impacted their work, such as the integration of offenders:

This is a deprived community, so we need to link police, probation and courts and focus on diversion from re-offending, especially here....it is ethnically diverse, has high unemployment, also a high level of under-employment; drug issues which are a big concern for health services.' (Probation Manager)

As presented in Chapter 5, the experience of Middlesbrough as a town facing persistent and long-term economic challenges is clear, along with also facing an ageing population and a particularly interesting experience in relation to the influx of new immigrant populations (Home Office, 2016). The council accepted what was referred to in the audit as a 'disproportionate' amount of asylum seekers, who were directed to Middlesbrough as a place with low cost and available empty housing. The accounts given above do demonstrate the impact of economic and social change on community life, and therefore have implications for policy, which relies on, or promises to bring about social cohesion. This requires that diversity is tolerated, and that there is a shared consensus and solidarity among residents in relation to social norms (Mead, 1918; White 2003; ODPM 2004; Rai 2008). However, if community and cohesion is disrupted by deprivation, mis-managed immigration and crime, then clearly, as a promise of the outcome of policy, it is possible to see how this is unstable, contestable and fleeting (Hughes and Rowe, 2007; Shapland, 2008).

The importance of a focal point for residents to interact and to access services was emphasised by some participants, representing the relationship between *situated activities* and *social settings*, to reinforce residents' sense of belonging and safety. In addition, accessing *contextual resources* was important from a practical point of view, due to the limited finances of residents, especially for local services and amenities:

In east Middlesbrough, they do rely on public transport. So if they do just want to go to the shops they do want to go down the road, not get on a bus and carry all the



bags or paying for a taxi. So the corner shop is very important, if this closes down because of vandalism or repeated anti-social behaviour its impacts hugely, it really does on that community (Magistrate in Community Court 1).

This account emphasises the practical needs of residents which can be disrupted by anti-social behaviour and feeling unsafe in the areas where important services are located. It is also important to consider how important these shared experiences and interactions are for residents, and the danger of social withdrawal if such places are lost (Young, 1999). This withdrawal it seems can be directly linked to the loss of safety and security manifest as fear of crime (Jackson et al, 2009), which is difficult to overcome:

Because it is a self-fulfilling prophecy in some respects, because people will not go out, they are afraid and no-one will stand up to the criminals. They get more crime, so people are more scared, so the community element gets kind of eaten away by the processes of crime activity and it is really difficult to break that cycle (Police Inspector).

Again, crime here is presented as having a significant impact on residents' quality of life, with specific reference to the 'community element' being eaten away by the activities of criminals and the fear this generates. It is interesting here also to see in this account reference to the destabilising effect as a 'self-fulfilling prophecy' and a sense that the problems have become insurmountable. Community has been represented as shared interests and attachments (Wilmott, 1987), unity against harm (Mead, 1918; Shapland, 2008) and a place of tolerance, trust and obligations to others (White, 2003; Faulkner 2003). The experiences of those living and working in any given location has implications for state agencies wishing to engage citizens to have an active role in solving problems. The next section will consider these challenges in more detail, reflecting the accounts of participants when asked about their awareness and understanding of community justice initiatives, specifically with reference to community engagement.

For some participants, who had lived in their community for their whole life – who were 'born and bred' - reference was made to the problems caused by new families moving into streets who did not share the same values as established residents. Described as 'problem families', they affected whole streets and the feelings of local residents, in regard to their own safety, who perceived this an indicative of their community changing:

But this is the problem, you get one bad family, they bring another bad family in, they think it is their sort of area, so you are segregating the good from the bad, then the area becomes not a desirable place to live. There does not seem to be a normal for them, why not go somewhere it is run down, where they might feel they fit in? Another landlord could not rent his houses out because of problems with other tenants, he owns 21 houses, but most of them he cannot get anybody to rent them (Local Resident 1).

Perceptions of place also impact on community life, as signs of disorder which are not tackled were felt to encourage more deviancy, and this was something those in the police service were determined to address:

One of the things that we try to get in relation to community justice, if someone causes criminal damage, we will get the council to remove it as the perception is if stays, perception of the area goes down. ....the risk of more crime was raised significantly for 30 days .. so you have this period of time to tackle it (Police Inspector).

This seems to present a solution in the form of repairing harm caused, as a classic example of the 'broken windows thesis' (Kelling and Wilson, 1982; Michener, 2013). However, it also emphasises the limitation of focusing on individual incidences and perceptions of crime, as this placed dealing with perception as a more immediate problem than dealing with the broader socio-economic disadvantages, which led to this. Hancock's (2008) work provides more insight into the impact of these disadvantages, when examining the labelling of communities as 'criminal places'. Here, signs of disorder are presented as dysfunctionality in family life (e.g. single parent households) and areas where working class values are seen as negative. This has certainly been the case for Middlesbrough, where some wards were described as 'working class ghettos' (Webster et al, 2004, see Chapter 5, section 5.2). It is important to consider how job insecurity, a lack of economic activity and worklessness create the socio-economic conditions for these communities, and hence, the labels which are then attached to them. All of this presents additional challenges for improving the quality of life for all local residents and developing relationships between them and the state to solve other problems, such as crime and anti-social behaviour. There is a sense that at best, community justice initiatives provide temporary solutions, to paper over the cracks and improve perceptions, rather than creating cohesion, as described by Mead (1918) and others, through long term and sustainable solutions to problems.

## 6.2 Community engagement

Similarly, to the previous section, the first stage of the analysis on the theme of community engagement was to identify the prominent codes, which generated the highest number of references from the transcript data. For this theme (see Table 5), these were ‘social networking’, ‘community justice’ and ‘outreach’. There were also interesting references to victim perspectives and social exclusion, discussed by participants in reference to some of the challenges of engaging citizens. The most prominent codes identified below reflect the mechanisms and policy in which community engagement was attempted, such as Neighbourhood Policing Teams who had recently taken to using Facebook to inform local residents about police operations, events and to provide advice. Outreach and community justice referred to other mechanisms, through the courts this was done in more conventional ways. It was interesting to see how those working for various criminal justice agencies and in the third sector had different ways to engage citizens but shared some commonalities when discussing the challenges of this sort of initiative.

**Table 5: Number of coding references generated by participants (n=23) discussing ‘community engagement’**

CODE	NUMBER OF CODING REFERENCES
SOCIAL NETWORKING	39
PERCEPTIONS OF JUSTICE	33
OUTREACH	26
VICTIM PERSPECTIVES	8
SOCIAL EXCLUSION	5

Therefore, this section will focus on primarily on the themes identified above, which also include reference to ‘victims’ perspectives’ and ‘social exclusion’. These themes present examples of the interaction between *psycho-biographical* experiences of working in the field of community justice, as represented by the formal process of doing justice in *social settings*, which for some participants were discussed in the context of *contextual resources*. This latter

domain was reflected in accounts of working to deliver justice in the community, in a climate of cuts to public spending, and concern over the sustainability of initiatives.

### 6.2.1 Community engagement as obligation and responsibility

The discussion around responsibility occurred as part of participants' experiences of community engagement, and included reference to the need to manage expectations, along with the role of the police and courts, and others, especially when dealing with anti-social behaviour (see Table 6).

**Table 6: Number of coding references generated by participants (n=23) discussing 'responsibility'**

CODE	NUMBER OF CODING REFERENCES
Managing expectations	32
Police role	27
Role of courts	21
Need for change	16
Anti-social behaviour	14

The responsibility for engaging citizens was attributed to the work of CJS staff from the police and the courts, in order to inform local residents of these different agencies work and the rationale behind the decisions they made. These activities occur in *social settings* in the community, represented by formal arrangements and led by different criminal justice agencies. For example, those working in the community court discussed an initiative to invite local residents to the community court, but crucially, also going to the residents and setting up courts in a local community centre in North Ormesby (see chapter 5, section 5.3.3.). This provided residents with an opportunity to gain insight into how the court worked, with the intention that they would inform others:

They found it fascinating and none felt it was a waste of time. .... But they did like us going into communities, the community justice pilot showed communication is important. .... we tell them about work projects, progress of cases, especially

explanation if a case is dropped or a lesser charge is brought which can be upsetting. They need someone to sit and explain this and not just hear it from someone (Magistrate in Community Court 1).

Therefore the initial process of 'outreach' was firmly the responsibility of the courts, with an expectation that residents who engaged with this initiative would be part of the dissemination strategy. This presents an example where *situated activities* act as an extension of the more formal processes observed in *social settings*, as CJS practitioners seek to engage residents and tap into their informal networks. This strategy is a core principle of community justice, present in community and neighbourhood policing models (Skogan et al, 1999; Myhill, 2003), and community courts (Mair and Millings, 2011).

For other agencies, it was clear tactics beyond public meetings, talks at community centres were needed to attract more people, aside from the 'usual suspects'.

I think what we have got to be really careful of is community meetings – if you based your perceptions on community meetings, you tend to have the same people going and they have an agenda. The issues they raise might be their issues, it is valuable forum, but you need to get out and speak to different people to really understand the issues; sometimes you have to be mindful if those at community meetings are really representative of the wider community (Police Inspector).

While this raises the obvious issue of concern about exclusion in the consultation processes, it also emphasises the problem with assuming the existence of residents willing to engage. In addition, this assumption has implications for those working in the courts attempting to make use of existing networks to disseminate positive information about the court. While both strategies, as stated above, can be valuable, caution is needed in relying on them as a core strategy in the delivery of justice in the community.

In addition to the concerns about excluding groups through their lack of engagement, practitioners working in the police service and the community court reported that among those who did engage, there was a specific motivation behind this:

We did a lot of talks in the community and at council meetings but you cannot sustain that, you are talking about people who are already volunteers so you are asking them to be in court and then in meetings, but then even at council meetings

attendance can be poor. It is the same people, who are there to complain (Police/Community Justice Liaison).

The poor attendance and use of such forums as a means of complaint demonstrate a sense of dissatisfaction with the CJS, perhaps even cynicism about the feasibility of solutions offered. This may also reflect the lack of obligation residents feel towards resolving the problem of crime, manifest as an emotional response to offending which demands intervention by the state. As Hine (2014) notes, the processes of bringing residents to work in partnership with the state to solve problems needs to be better understood, given the stated aims of community justice (e.g. Wolf, 2007) and especially, concerns about attitudes towards perpetrators. One aspect of trying to understand this relationship is to examine the issue of responsibility as part of the community safety agenda, as examined by Garland (2001) and Skinns (2007). This relates to formal processes in partnership arrangements, which determine the level of responsibility placed on citizens in policies and initiatives, promoted as obligations toward their community.

Among those in the third sector and residents, there was reference to recent policy ideas which had been introduced, to promote volunteering, participating in the local community and taking responsibility:

So like with the Big Society, people just do not naturally want to get involved so unless we go out to them and promote what we do, as a service, it is not something people are tuned into to. It is a difficult one. I think the issue with the Big Society idea, the reality is that it exists, yes people volunteer, but there is not a culture of giving, but that's the cynic in me! (Victim Support Team Manager).

It is interesting here to see reference to this view as 'cynicism' and yet this reflects much of what has been said about the challenges in creating active citizens and collective efficacy, especially to address the problem of crime (Sampson et al, 1997; Halpern, 2001; Silverman and della-Giustina, 2001). The direct reference to expectations of obligation and duty (e.g. Faulkner, 2003; Putnam 2001) using the brand of 'Big Society' as a means to promote a 'culture of giving' reflects the political strategy to place responsibility for cohesion and resolving local issues onto citizens (Alcock, 2012). The cynicism expressed above is shared by those who see such initiatives as compensating for cuts in public spending (*ibid*; Ledwith, 2011).

Participants working in the third sector attributed community engagement to volunteering in various capacities and raised concerns about the reliance on this, however some expressed optimism that more would volunteer if they knew this was needed and also, what they could actually do:

I think people would do more if they knew about what they could do. It brings some sense of community, the activities, but without this there is not much going on, it needs something to bring people together (Community Centre Manager).

The reference to ‘something to bring people together’ has been represented by Mead (1918) as a form of unity against aggression (Mead, 1918) and by Shapland, (2008) as citizens bonding together in the face of adversity and trauma. This quote above also reminds us that the *situated activities* which are seen as a ‘normal’ part of social interaction may extend to solving problems associated with crime. When local residents work with the state, in *social settings* these interactions enable generation of the therapeutic effects of problem-solving approaches (Lacey and Zedner, 1995; Shapland, 2008; Donoghue 2014). The relationship with the state is important here to have access to social capital in the form of resources and networks to get things done (Leonard and Onyx, 2007). The quote above also refers to the issue of raising awareness of what local residents can do, how they can help. The outreach work of the courts and the Neighbourhood Policing teams (see Chapter 5) forms an important component of community justice (Faulkner, 2003; Wolf 2007), to raise awareness and to increase the likelihood of community engagement (Mair and Millings, 2011).

Those working in the courts did see a particular value in using outreach strategies to engage local residents, to disseminate information about the work of the courts, as a conduit between them and the state:

It is usually the same people coming for consultations, but they can be a person to feedback to the community, better from them than from me. If people do not engage it might be they do not know the access is there or what they can do, or that they can have a say – there is an appetite to get involved. So this is why community impact statements are important, so perpetrators understand why their sentence might be greater – this is good for the community to see this (Magistrate in Community Court 2).

It is interesting to see here a process of justice used to tap into the 'appetite' for engagement, and the possibility of this occurring as a form of unity against harm (Mead, 1918; Faulkner, 2003; Shapland, 2008). The particular value expressed here refers local residents having a better understanding of the rationale behind court decisions, as a means to engage them with the work of the courts. However, as with fixing criminal damage to create perceptions of safety, this aspect to the work of the community court will only be of value to those involved, if they get the sense of justice being done. So, while CIS can directly engage residents in a part of the justice system, there are clear limitations. As with VIS, they can be part of the process of the courts and be taken into account in magistrates' decision making, but whether they can sustain engagement, or be the catalyst for instilling a sense of responsibility among citizens is contestable. Referring to the 'community impact' presents another example of policy limited by its scope to actually resolve problems within a community and create safety (Mair, 1995; Squires 2006; Hughes, 2007). However, managing expectations was seen as important when working with residents, on the one hand to counteract media reports which were biased towards negative stories and on the other hand, making sure residents were aware of what the police and other authorities could actually do:

I think one of the other things we are getting better at is dealing better at those in the wider community who come into contact with the police. I am not always sure we manage their expectations, and I think we need to utilise the good news stories.... but we need to think about the people out there who never come into contact with the police and.....the first time they ring up they get a poor service. That completely changes their perception of the police, it is an area where we do need to do some more work (Police Inspector).

If, according to Bottoms and Wilson (2004), more visible forms of justice can restore citizens' feelings of safety, then managing expectations becomes more important – so citizens understand the limitations of the law and begin to consider alternative ways to address the impact of crime and find ways to prevent further acts of criminality. The police in particular were aware of the impact of failing residents in that they are the 'frontline for the community' (Police Inspector) even when the dissatisfaction was to do with CPS or court decisions. This emphasises the importance of the activities which occur in formal *social settings*, which need to include clear communication and understanding between local residents and the state.



Many participants expressed that partnership working (see Chapter 2, sections 2.2 and 2.3) was vital in keeping the community engaged with the CJS, to show a harmonious working relationship and to aid communication back to the community, as to how crime and disorder is being addressed. The police were also making use of websites and more recently, social networking to aid this process and ensure complaints were addressed:

From an engagement perspective, we have websites, Twitter and Facebook where people can put comments on and we can address those. Internally we have processes to deal with complaints, it is logged and dealt with by an Inspector, especially anything to do with dis-satisfaction (Police Inspector).

As a core part of neighbourhood policing, partnership working seemed to be an important means by which to understand the need of local citizens and engage them in taking responsibility for their safety (Ekblom, 1986; Thurman et al, 2001). The focus on dissatisfaction is clear here, given the seniority of the response to such issues, demonstrating the awareness of the police to address concerns about their relationship with the public and their legitimacy as an authority in communities (Friedman, 1994). Working with others meant authorities could address problems, especially when combined with using social networking to spread the word about such operations, and to remind residents how to keep themselves safe:

We are getting reports on social media about metal collectors, some of the less scrupulous ones are throwing and smashing stuff up, the vans are in dis-repair so we did a multiagency operation to check road worthiness etc, we fed that back via social media (Police Sergeant, NPT Manager).

This approach fits with the problem-solving ethos of community justice (Karp and Clear, 2000) and the focus on local issues, as a means by which to improve confidence in the state response to crime and empower residents to take more responsibility for their safety (Bursik and Grasmick, 1993). Among those working in Neighbourhood Policing, the personal touch alongside using social networking and information campaigns was valued, to make sure the message about keeping safe gets across, along with being transparent about police operations and activities:

So we do try and recognise the need,.....there is the theory of enforcement engagement, we did some door knocking for some of the elderly residents, we worked with the fire brigade to talk about wheelie bins, keeping them in and safe as they can be a fire hazard. We get to understand their concerns, and we can explain what we are doing (Police Sergeant, NPT Manager).

Examining the degree to which residents feel empowered relates to Garland's (2001) work on responsabilisation, to understand the need to share responsibility to deal with and prevent crime. While this has been formalised by the Crime and Disorder Act (1998) and the community safety agenda (Hughes, 2007), it builds on the existence of cohesion and residents' engagement with the process. As 'community' forms part of the solution to crime and disorder (Lea, 2001; Hughes 2007), it becomes useful to better understand how this can happen and what can hinder it. Responsibility also seemed to link to citizens' personal experiences, affected to what extent they would engage with the state to address crime:

I think more people should be aware but whether they are interested enough to want to take that on board if it does not affect them personally, I do not know if they would (Police/Community Justice Liaison).

This drive to include residents in the processes of preventing crime and supporting others in this endeavour forms an important part of partnership working, whether as formal arrangements in Crime and Disorder Reduction Partnerships (Edwards et al, 2002), or more informal means of maintaining social cohesion. Skinns (2007), refers to this as state intervention to bolster their authority in the daily lives of residents and echoes Cohen's (1985) concerns regarding the dispersal of social controls, dressed up as participatory democracy.

### **6.2.2 Challenges to engagement**

While some of these issues have been discussed above, this section examines in more detail the response from participants when asked to discuss what hinders community engagement. For example, social capital theorists cite the existence of volunteering networks and participation in local democracy as examples of engagement (e.g. Putnam, 2000). One of the issues stated by many as a hindrance to these examples of *situated activity* was lack of time, no matter how valuable such an endeavour may be individually or for the good of the community. Students at the local university were encouraged to volunteer to complement their

studies in criminology and the social sciences, but often reported other priorities taking over their ability to do this. These would be having to work to earn money for rent, bills and living costs, as well as the demands of their studies. The sense of duty may be there, but practical barriers exist to enabling residents to engage and support voluntary groups or be part of reciprocal arrangements so valued by the conservative communitarians (e.g. Etzioni, 1995). The challenges in engaging and enabling residents to volunteer also fit what Hughes (2007) refers to as the 'late modern reality', where consumerism has over taken altruism, and where persistent inequalities mean there are communities which offer a number of challenges for change through engaging citizens.

Time, resources and priorities were also raised as a concern for those in the police service. These *contextual resources* in the form of budget cuts, along with the reduction in engagement from local residents changed the police services' priorities. This need to consider what is most important and most 'value for money' in policing and in the delivery of justice was a common theme:

Yes, there is more to say on restorative justice I have been involved in, the community drop ins and beat surgeries, we are pulling back from them. I have put in a report as my staff are gone for an hour and invariably the average was less than two, for attendees. Even though we put it on the website, there are a few that are well attended, but (for) the poorly attended we should withdraw and maybe look at more practical ways, to go to other community events and have a presence there instead, like bingo games (Police Sergeant, NPT Manager).

An additional challenge cited by those in the courts and police service was the stigma, which arose for some residents when asked to co-operate with the state, especially in communities where cohesion exists in the form of familiarity with neighbours:

It is fear of reprisals, in the community that is very tight and knows everybody and you know who committed the crime and they know you, word will get back. They will say I have kids, I cannot afford to say something. So the people who stick their head above the parapet and go to court are really the brave ones (Magistrate in Community Court 1).

As a core claim of community justice initiatives is to create community engagement, the barriers to this need to be understood, as do mechanisms used to quantify it (e.g. Mair and Millings,

2011). The barriers could include a lack of individual motivation, fear of reprisals, or broader social conditions impacting overall cohesion. Again we are reminded here of the interaction between social domains (Layder, 2006), and how the broader domains affect *psychobiographical* accounts of 'community', and in this case of engaging in 'community justice'.

Community engagement was also clearly hindered by the perceptions of community justice initiatives, in the way they are compared to justice, which advocates removal of a problem and retribution against those who cause harm. There was also reports of residents perceiving a lack of stability, where new initiatives would just 'come and go', leaving residents feeling less confident about such innovations, creating a sense of cynicism:

When we first went out to talk to others about CJ, one of their things was, is this an initiative which will just come and go? You know we were all really keen on it, but I feel personally we have let them down (Magistrate in Community Court 1).

Arguably, this is not a failure by CJS staff in the implementation of justice, but indicative of the shifting foundations and changing priorities of community justice. Innovations in community based justice initiatives have promised to support victims and give citizens more say (Christie, 1977; Home Office, 2002), or act as a stabilizing force (Rawls, 1971) to repair harms and bring about cohesion (Marshall 1999; Nellis, 2000; Faulkner 2003; Shapland 2008). However, the focus on victims for example, while politically appealing, has raised concerns about creating inconsistency in sentencing (Goodey, 2005) and the diversity of experience of support for victims of crime, where some are supported and others are blamed (Walklate 1995). Again, *contextual resources* show their influence in the form of the social conditions, which exists in any given community which dictate the level of social cohesion, and therefore support available, and the political decisions which affect the implementation of innovations in justice.

Engaging residents was also expressed as a means to counteract negative press about CJS agencies, such as the police and courts, particularly in the decisions made about sentencing. While initiatives such as CIS were valued and felt to be an important part of engagement, publishing sentencing outcomes was dismissed as it was clear residents needed to understand the rationale, not just know the outcome:

There was a suggestion to publish sentencing outcomes, ....unfortunately with the local press, if someone gets a suspended sentence, well they have been 'spared jail'. Some want them locked up and to throw away the key, the process can take so long they do not want to get more involved (Magistrate in Community Court 1).

A key issue here is the lack of context in local and national media reports about crime and punishment, which can be obstructive in the process of engaging citizens. Rather than generating interest or raising awareness, irresponsible reporting stokes up of fear of crime and focuses on the emotional reactions and condemnation of perpetrators (Cohen 1985; Jackson et al 2009; Jewkes 2015).

To some degree, as discussed above, social media were used to counteract the negative connotations attached to innovations in justice and to present different perspectives of those groups labelled as a risk to the community. An example was cited by a police inspector, who used the neighbourhood policing team Facebook site to set up a 'Youth Day' for the local community, which was filmed and posted for others to view. Other uses of social media were to manage potential public disorder events, dispel rumours and gather information:

It is a way in and we use it more now for management of public order responses, for example an EDL march, the media might report a fight, but we can use social media to tell the truth. It is a good way to get feedback and also we get all this information and need to know better what to do with it. Young bobbies know about social media and we can use their skills (Police Inspector).

It seems then that social media can counteract negative perceptions and it also offers a forum for direct interaction and discussion with local citizens. This is because they also have some editorial control over what they view and an opportunity for engaging directly with state agencies (Jewkes, 2011). Along with good communication, harmonious partnerships and a community able to help, the enthusiasm of staff to adopt a new approach was also important.

The attempts to reignite community spirit, and to engage citizens also presented challenges for those need to sustain any bonds formed, which was cited as a barrier to long term change:

Actually bringing communities together for specific events with a specific focus is the easy part. The hard part is the continuation of the message you have tried to give at that particular event or with that particular initiative and to get that to sort of carry on, on a more permanent basis and have it become ingrained. You know in the whole

idea of a community spirit. I personally do not see that as something that is working within Middlesbrough, far from it in all honesty (Victim Support Team Manager).

This highlights again one of the issues with using social capital as a foundation for policy to address difficult issues associated with crime (e.g. Foley and Edwards, 1997). It assumes a level of trust and consensus between citizens, the presence of networks, but also assumes these will remain in place, with the use of community-based initiatives to aid this (Hagan, 1989; Pino, 2001). Therefore, the activities within *social settings* to deal with the problem of crime could be easily disrupted, and so to could *situated activities*, those daily interactions between residents so important for creating a sense of belonging and trust (Layder, 2006; Faulker, 2003; White, 2003). High levels of crime and anti-social behaviour seemed also to undermine cohesion and consequently, the ability of the state to respond effectively:

High crime levels, lack of co-operation, lack of understanding, difficult for the police to get into.....a tight knit community needs a focal point and that can be missing sometimes. ...it is something which is going to be developed that cohesive element, get people out and doing something for others....(Police Inspector).

It seems crime and the response to it can on the one hand bring citizens together (Shapland, 2008) and on the other, disrupt cohesion and trust (Evans, et al, 1996). This is manifest in citizens' willingness to interact and participate in their local community. However, it is perhaps unfair to see this as an individual absolution of social responsibility, as suggested by Putnam (2001) and it may be more accurate to see this as an undermining of citizens' desire and ability to think beyond their own needs. The *psycho-biographical* experiences of 'community' and 'justice' must be considered in conjunction with individuals' ability to engage in both *situated activity* and with *social settings*, all of which are impacted by the broader domain of *contextual resources*. Given this also has an impact the implementation of innovations in community justice, the relationship between these domains is important to consider when attempting to determine what engages citizens.

### 6.3 Summary and Conclusions

The findings presented here have shown that for some participants, there is a sense of pride, belonging and a desire to help, all of which create a picture of a cohesive community. These are important elements identified by participants, as example of how a community should be,

a place where residents are able to rely on each other and participate in local life. However, it was also acknowledged that some groups were excluded from this positive picture of community life, largely due to where they lived being a deprived area, with high levels of anti-social behaviour and a lack of social interaction between residents. These accounts of community demonstrate different ways in which individuals manage their existence, within social domains, such as *situated activities* represented by access to reciprocal relationships. They also refer to engagement with state activities, in the form of *social settings* to solve specific problems and prevent crime and anti-social behaviour. These accounts also emphasise the need to understand community beyond defining it by location, interests and other attachments as distinct categories (Wilmott, 1987) and instead, that it needs to be understood as also requiring reciprocity, regular interactions, feelings of safety and stability (Crawford, 2002; Faulkner, 2003; White 2003).

A sense of community spirit was referred to by participants, despite the problems Middlesbrough had faced, for some this was presented as a form of unity against adversity (Mead, 1918). Residents and other participants referred to the affectionate name given to North Ormesby, as 'Doggy', and were proud to live somewhere that they felt maintained a sense of belonging. There were concerns expressed about threats to participants' safety, which generated a form of consensus, as reflected in participants' accounts about anti-social behaviour, along with local news reports. However, rather than finding long-term solutions, the solution to problems such as homeless people on the streets were focused on removal to maintain safety.

The particular issues presented by offenders and the harms caused by crime and anti-social behaviour do seem to affect levels of engagement with the state. Participants referred to this as a matter of responsibility, in that this activity required a response by state authorities, to deliver 'justice'. Volunteering, offering help to others and interacting with each other beyond family, friends and/or work colleagues were all measures of engagement discussed by participants. However, these *situated activities* rarely seemed to have a relationship to those of the state in more formal *social settings*, as part of the justice system, and instead were related to leisure activities, faith-based groups and supporting victims of crime. Engagement with the state seemed to represent a step too far, asking too much of residents to offer their time and resources to deal with the problem of crime and anti-social behaviour.

There were other challenges reported in community engagement, such as recruiting volunteers and getting citizens involved. These were lack of time or willingness to help and local residents simply facing more demanding pressures, which took priority. There are clear implications here for policy, which assumes a level of interaction between residents, along with the crucial elements of trust and consensus required for social capital and cohesion. Outreach work by the courts and neighbourhood policing teams was a useful way to raise awareness of different ways to do justice and to engage citizens in preventing crime, but again, seemed to be all too often impacted by more pressing needs. The findings demonstrate the interaction between Layder's (2006) social domains in the case of examining community justice initiatives, which require engagement as a key component of this approach. Social domains have offered a framework to examine the narratives of 'community', 'justice' and 'engagement' with reference to individual experiences, social policy and approaches to dealing with crime and anti-social behaviour and broader structural issues which have impacted this. The next chapter examines in more detail the processes of justice under the remit of community justice, specifically, problem-solving approaches, restorative practice, partnership working and victim support. It also examines the challenges reported by participants in delivering innovations in justice, which link to the issues raised here with engaging citizens and determining responsibility.



## 7: DOING JUSTICE? PROBLEM-SOLVING APPROACHES IN THE COMMUNITY

This chapter examines the accounts from participants, on their experiences of and perspectives on problem-solving approaches. This includes an examination of the work of the community court, and neighbourhood policing teams, which have adopted problem-solving initiatives. It also explores innovations, which use restorative practice, partnership working and aim to support victims of crime, as core principles of community justice. This approach shifts the focus of the community justice away from deterrent and retributive functions, and instead prioritises the prevention of reoffending through restitution and re-integration (Karp and Clear, 2000; Wolf, 2007; Llewellyn-Thomas and Prior, 2007; Donoghue, 2014).

In addition, problem-solving approaches aim to offer an alternative approach to adversarial contests played out in courts, for example, engaging in dialogue with defendants to identify the causes of their offending, in the form of problems to be solved (Donoghue, 2014; Ward, 2014). These innovations also claim to create cohesion in local communities, through mechanisms of engagement between citizens, the third sector and the state (Bursik and Grasmick, 1993; Wolf 2007; Mair and Millings, 2011). As with the examination of the experiences of community and community engagement in the previous chapter, this chapter explores the experiences of problem-solving approaches through the lens of Layder's (2006) social domain theory.

The activities, policies and governance of community justice in Middlesbrough demonstrates the relationships between each domain, from the accounts of participants and review of data from social networks and local news sites. They include *psycho-biographical* accounts of problem-solving approaches seeking to engage offenders, victims, the third sector, local residents and the state in *social settings*, as reflected in formal partnerships and following court ordered activities. There is also an opportunity to assess how *situated activities* become part of the community justice approach, in the form of social support for victims and informal social controls, required as part of a cohesive community (White, 2003; Faulkner, 2003; Rai 2008). Layder (2006) refers to this latter domain as situations where:

‘power, emotion and control are intimately related and manifest themselves in three modalities: self-control; emotional exchanges associated with benign control; and a personal ability to manage his or her own current life situation.’ (p.299)

For this study the ways in which life is ‘managed’ through *situated activities* was examined in the previous chapter, with analysis of the accounts of the experiences of community and community engagement. The focus on various forms of community justice presents an opportunity to understand the relationship between power, control, and the capacity for individuals and organisations to act, engage, and solve problems associated with crime and anti-social behaviour. Table 7 below presents the prominent themes generated by participants when discussing their experiences of community justice. These include the implementation of these approaches in the courts and police service, with a focus on anti-social behaviour, restorative practice and problem solving. This also led to discussions about addressing the causes of crime, as well as justice in the form of punishing offenders, innovations such as engaging in dialogue with defendants in the community court, and the need for effective partnership working.

**Table 7: Number of coding references generated by participants (n=23) discussing ‘problem-solving approaches’**

CODE	NUMBER OF CODING REFERENCES
Community courts	50
Neighbourhood Policing	46
Dialogue	27
Cause of offending	23
Achieving justice	22
Anti-social behaviour	21
Victim support	21
Partnership working	16
Providing support	17

## 7.1 Problem-solving in the courts

The Teesside Community Court followed the model piloted in 10 areas in the country, where existing court buildings and resources were used, rather than the purpose built centre model, constructed in North Liverpool. The case for having a justice centre as a focal point for the community it served was clear from research emphasising its value in allowing defendants to access support services, co-located within the court (Llewellyn-Thomas and Prior, 2007; Mair and Millings, 2011). In the USA, the Red Hook CJC was described as a 'prominent fixture' in the community, which increased feelings of safety and enabled engagement with the work of those in the justice system (Lee et al, 2013:3). The NLCJC and Red Hook CJC model represents a community court, which embraces and acknowledges the relationship between Layder's (2006) social domains, as it is physically located in the community directly affected by cases heard and the activities of practitioners working in the courts. The accounts of the work of the Teesside Community court reveal the importance of understanding the *psycho-biographical* experiences of defendants prior to hearing their case and therefore, that the response needs to take this into account. However, this form of problem solving also requires understanding of the resources available, via various partners in formal *social settings* who can assist with preventing re-offending. Defendants' living arrangements, access to social support through family and prospects for employment, training and other forms of valued *situated activity* were also considered in the process of problem solving. Staff referred to the impact of *contextual resources* as an important consideration for innovations in justice, such as having effective leadership (Mair and Millings, 2011) and having access to resources in the community to support defendants. Maintaining the spirit of inspiring and legitimised leadership, to achieve innovation in courts also requires that that staff are able to act with authority to solve problems and to make sentencing decisions that continue the focus on this (Bowen and Whitehead, 2013).

The community court was seen as a place where staff could find the triggers for offending, with the understanding that this behaviour was the culmination of a series of problems, and required insight into the *psycho-biographical* experiences of defendants:

We would ask [defendants] to have a word with the problem solver in court, who would take them through a list of questions because you realise that everybody who

offends, there is some kind of trigger for it even if it's you know, absentmindedness through stress at work or stress at home and they have shoplifted and they did not mean to....so we would take them through this list of criteria to find out what the triggers are (Magistrate in the Community Court 1).

Along with revealing individual 'triggers' for offending, it was clear this approach would attempt to engage with other agencies to deliver solutions to problems, and to also understand more about the community in which defendants lived in. Problem-solving approaches require a shift in how offenders are treated, to intervene to change behaviour and support offenders, abiding by a new set of principles so that when cases do come to court, there is a genuine attempt to prevent further offending:

So, yes, the problem-solving, that came about when I first took over, we had a health check, it was a set of principles. So we looked at people who were coming into court, either for the first time or coming back for low-level offences and we decided it might be a good idea to provide some intervention at that point, to stop that revolving door or to stop people progressing to more serious crimes (Police/Community Justice Liaison).

Many participants working with the community court referred to its value in addressing low-level offending and anti-social behaviour, where there could be some meaningful intervention to prevent escalation of offending (Donoghue, 2014; Ward, 2014). The value of this approach was reported by Mair and Millings' (2011) research on the NLCJC, citing it as an 'a unique court process with wider community resource provision' (p.3). Both these accounts of the court reflect what many felt was an important change in the delivery of justice in the community, and the interaction between those working in the justice system, and in the local community to provide more effective interventions as part of sentencing practice. It is useful to be reminded here that the use of courtrooms to address problems associated with certain types of offending is not new, as drug courts and domestic abuse courts have been running in the UK for some time. For example, Drug Courts offer treatment as part of the court order with a focus on monitoring offenders and working with local services to address substance misuse (Kerr et al, 2011). As with community courts, specialist courts embraced their role as administering justice and addressing problems, to use such innovations to prevent re-offending (Bowen and Whitehead, 2013).

The need for resources and support services in the local community became clear, when magistrates referred to cases of defendants with multiple needs, which were not easily solved:

Now you will rarely find somebody with only one problem, they have multiple problems. So they will speak to the problem solver, come back to court and address the court and say I have been able to identify this person is having problems managing debt, money, they are having problems with housing. At the moment they are living on friends' sofas, sofa surfing, their father died six months ago and they have not got over that bereavement, so these triggers lead to this (Magistrate in the Community Court 1).

Advice surgeries and partnering with local community centres in North Ormesby formed an important aspect to the work of the court, to help defendants address issues such as debt, and inform residents about this approach to offending (Middlesbrough Council's Community Safety and Leisure Scrutiny Panel (2010)). It was clear how important these additional services, as *situated activities* were to the formal work of the courts and other agencies, represented as *social settings*. It was also vital that both magistrates and defendants were prepared to engage in a dialogue in the courtroom, to move away from the adversarial approach, and offer sentencing options, which genuinely aimed to prevent re-offending, while also being seen to do justice:

I think initially it was the fact that we talked to the defendant in a way they understood, about the issues they had. It was not always about sentencing and punishing, it was about getting them help and back into the community, which I think is important. I do have my community justice head on when I am in court, I think it really does work (Magistrate in the Community Court 1).

This dialogue and support offered to defendants is referred to by Ward (2014) as 'therapeutic jurisprudence', and an important part of the process of defendants developing different views of themselves, as citizens of a community who deserved help and could desist from offending (Maruna, 2001; King 2012). It was reported that when offenders were offered support and welfare, many took the opportunity, but they also valued just being listened to, that some attempt was made to understand their *psycho-biographical* experiences:

I think just having somebody who would listen to them to be honest, you know they said there is nobody in their life has listened to them, this might be the first time in court and they have issues, money, drugs, alcohol; there is a whole range of things (Magistrate in the Community Court 1).

This process of dialogue and listening to the offender in the formal setting of the court does reflect the potential Nellis (2000) referred to for community justice principles to be more meaningfully applied this way. For Nellis, this potential was important as a means to reduce the use of custodial sentences, meaning community courts would offer alternatives to this and use resources to prevent re-offending. While this does raise some concerns about using courts as a place in which to address the causes of crime (Garside, 2006; Mair, et al 2007), again, we see the interaction between formal *social settings*, and more informal *situated activities*, which impact on the *psycho-biographical* experiences of the justice system. As Layder (2006) has stated above, *situated activities* represent a domain in which individuals try to manage various influences and controls. Arguably, problem-solving approaches can offer a means by which to incorporate working with others, to respond to offenders in such as a way as to ensure they too receive help.

The community court is also discussed below as similar to a triage scheme used by the police, but arguably, presented as a more robust and forward-thinking intervention, to change behaviour and support offenders through this difficult transition:

Community courts? It sounds the same as the triage scheme, and one thing I can say as an ex-offender is one of the hardest things to do is face up to what you have done. Prison is easy in a lot of ways you just sit on your pit and do nothing, but these other methods make you face up to things. It is extremely difficult, but it's a good way to go I think (Local Resident 3)

The reference to prison here as 'easy' also reflected the limitations of such sentences, compared to problem-solving and restorative practice (see section 7.4) in changing behaviour. In addition to adopting restorative practice, problem-solving approaches in the courts required that magistrates build a rapport with defendants, and it was clear there was some resistance to this change:

Yes, we always promoted direct engagement, we did quite a lot of training with magistrates as well around direct engagement, when we rolled out further and some of them were horrified at the thought of speaking to an offender. The culture for them is that this is done by the advocates, they find it incredibly difficult. Others are absolutely brilliant, they can make a huge amount of difference to the way that things

go, because they build a rapport and can challenge them about their behaviour (Police/Community Justice Liaison).

This reference to organisational culture is important, if resistance to change is a barrier to implementing innovations in justice. Research by Bowen and Whitehead (2013) has shown potential in managing this resistance, when dealing with low-level offending, where cases can be diverted to restorative justice arrangements. They also cite the ability for problem solving and specialist courts in providing meaningful solutions to the problems identified by defendants, through access to treatment programmes for substance misuse or mental health disorders. However, while this all reflects the principles of community justice courts and the potential for 'therapeutic jurisprudence' (Ward, 2014:2) meaning magistrates feel empowered to act, they also emphasise the need to know about the community in which this all occurs. As raised by Mair et al (2007), and the Social Exclusion Unit (2003), dealing with delays in accessing treatment and meeting the basic needs of stable accommodation and secure employment are important in reducing re-offending, but clearly outside the remit of CJS practitioners. For those defendants living in deprived communities, even with the best intentions to change their behaviour and self-identity, this is impeded when they live in areas which do not support this change (Laub and Sampson, 2003; King, 2012). Again, *psycho-biographical* experiences of desistance from offending need to be understood as a process which is influenced not only by the activities which occur in *social settings* (i.e. community court staff working in partnership with other agencies), but also by *contextual resources* which dictate what is available to support the practical solutions identified by court staff.

The organisational culture and practices of the judiciary were also cited by one of the community court magistrates, reflecting on the language and demeanour of judges:

Yes it can have so many different ways of presenting itself and how....it can be difficult because it can be sterile and so fixed in our ways, the way we have done it for 100s of years. Even the terminology, things we do not think are terminology such as 'standing a case down' which for us is easy, we are just going to put it off for half an hour, or we are going to 'adjourn' and terms like 'bail'. So we really need to step back and think about these things and how people.....even nerves can cause difficult behaviour (Magistrate in the Community Court 1).

This consideration of the formal setting of the court has shown how adopting problem-solving methods enables a rethink about the ways in which courts administer justice. It also emphasises that problem-solving courts, which put a 'human' face to justice (Ward, 2012), align to the principles of restorative practice, by enabling a shift from adversarial models (Marshall, 1999; Johnstone, 2013). However, while research by Annison et al (2013) has revealed the "feel good factors" and a 'pioneering spirit' of problem-solving courts, the formal setting reminds us that sentencers must adhere to guidelines and legal requirements, and that compliance with such orders is a vital component in the delivery of justice (Centre for Justice Innovation (CJI), 2015; Donoghue, 2014). Despite these concerns, for those observing the community courts and seeing problem solving in action, it was clear this had a significant effect:

I had one lad, the first time I've seen him, he could hardly stand up he was that drunk, I followed him through and could gradually see an improvement...he would not talk to you at first but he then he would, about what he had been doing (Police/Community Justice Liaison).

This change in the defendant's demeanour indicates the impact of a different approach, which eventually had the effect of him engaging with the court staff and taking responsibility for his behaviour. At first such a case would ring alarm bells about the issue of this defendant's behaviour in court, but the difference in approach acknowledged his problems stemmed from alcohol misuse. The problem-solving approach in court changed this setting from one of formality and tradition, to a place where intervention to help this defendant could start. This emphasises the more pioneering approach as identified by Annison et al (2013), which can occur in the courtroom, as long as this is maintained, and enables gradual change.

Those working in Neighbourhood Policing Teams also cited the value of adopting problem-solving approaches in the community court:

I have heard of the community court, we had some good outcomes from it actually, some young people their first time, and it got to the problem, you know, the heart of the matter for them, so before things got worse the court and problem solvers could step in .....sometimes I felt magistrates ignored what was in front of them you know, just did the reprimanding (PCSO, NPT 1).



This perception of justice in the courts reflects the need for magistrates to shift their role from punishment of offenders to being part of the solution to the problem of crime. These accounts of community courts demonstrate how the adoption of the principles of community justice in this context is important. While magistrates have an important role in upholding the legal processes of the justice system and rights of defendants, it is clear that having more information about the impact of a case can mean more effective sentencing practice, from the perspective of victims and the local community (Donoghue, 2014).

An additional important component of the Teesside Community Court was the use of community impact statements (CIS). Those working with victims of crime referred to the more established use of victim impact statements (VIS), which were deemed to be of value for victims, but not previously utilised by the courts:

The number of times I have gone to clients and asked if they have filled their victim impact statements and I have been told by clients, the court has said it does not really matter it's too far along now, just an afterthought. But that for the victim is massive, it's their one opportunity, otherwise it's quite clinical I guess, because it's the facts of the case (Victim Support Volunteer 1).

These concerns reflect what Christie (1977) referred to the case being 'lost to the state' (p3), impacting on the ability for the courts to deliver justice which can act as a stabilising force in a community (Rawls, 1971). It also emphasises the value of the use of VIS for those facing the trauma of victimisation, looking to the justice system to help in their recovery (Lens et al, 2015). This quote also reflects an experience of victimisation exacerbated by the courts deciding not to use VIS, as shown in research by Roberts and Manikis (2013), when examining barriers to the effective implementation of victim personal statements (later changed to VIS). This was attributed to the lack of statutory duty, but it also related to concerns expressed about the inclusion of victims, given that their experiences can be misappropriated to justify punitive responses to crime (e.g. Garland, 2001). Erez (1999) has presented evidence to show victims' accounts are an important way to achieve proportionality in sentencing, and to improve magistrates' and judges' decision making. However, in light of evidence that those victims who expressed higher levels of anxiety and anger were more likely to take up the offer of delivering a VIS, this has the potential for such accounts to be misused to justify harsher sentencing (Lens et al, 2015).

Therefore, the claims of community justice approaches to bring about cohesion must be reconsidered, when this is proposed to occur through victim support. The formal *social settings* of the CJS follow prescribed codes of practice, professional standards and due process to uphold the rights of defendants, meaning victims experiences must be understood in these contexts. While for those working with victims, this seems ‘clinical’ and limits the courtroom as a place for the facts of the case, it is important that defendants’ rights are maintained. Problem-solving approaches may offer a less formal approach in advocating dialogue with defendants, but this has a specific purpose and is very much focused on prevention of re-offending. Therefore, indirectly there is a consideration of victims, but it seems their accounts have a limited affect once a case has gone to court.

The police also focused on the community impact of offending, through the collection of CIS, when dealing with anti-social behaviour incidences designated as having a broader impact on local residents’ feelings of safety. These were used to inform magistrates when deciding on a sentence, and as a means of police-public consultation to help target resources and offer a problem-solving approach:

Then it’s the issue of how we use CIS, that’s a bit more problematic, getting them from the police and CPS and to the courts. We need to utilise the information from the community court, so we have key representatives from the CPS and have somebody who has committed a ‘community impact’ offence and the magistrate trained so they would give harsher sentences for offences which were having a direct impact on the community. So, say a kid commit criminal damage on the community centre so a mum and her kids cannot meet there, the impact on the community has to match the sentence (Police Inspector).

However, this account does show the uncertainty as to whether CIS would be used as justification for harsher sentencing – to be seen to be doing justice – or, to help magistrates make a more informed decision (Lens et al, 2015; Wolf, 2007). There seemed to be a disconnect between assuming what victims and local residents wanted and what work by the courts would actually prevent further problems and avoid displacement. This emphasises the role of the courts in explaining the rationale for their decisions, reflecting the importance of the principles of accountability and transparency in sentencing in community court approaches (Donoghue, 2014).

## 7.2 Problem-solving in neighbourhood policing and supporting victims

In addition to the work of the courts, problem solving approaches in neighbourhood policing aim to address low-level offending as an important part of the 'reassurance agenda' (Maguire and John, 2006). In Middlesbrough, local neighbourhood policing teams used Facebook sites to announce good news stories, especially those incidences which have a community wide impact due to their visibility:

The vagrant that was sleeping in the shelter on the children's play area off [road name] has now been moved on, the mess left behind has also been cleared away, so hopefully this is the end of the matter and the area can once again be used for its original purpose by local children (Facebook Post, NPT 1).

However, these examples also reveal the limited response to such incidents, where problem solving is actually the removal and potential displacement of a homeless person described as a 'vagrant'. The focus here was clearly on the good work done to maintain safety for children using a playground but reporting this as 'hopefully the end of the matter' suggests this particular person's needs for housing and support remained, as did the potential risk they may pose. This has the potential for both temporal and geographical displacement (Eck, 1993; Bowers et al, 2003), whereas a genuine attempt at problem solving and working in partnership with other agencies could prevent this. A different experience is recounted for another case of homelessness leading to anti-social behaviour, which went to court, from a local news report:

**Gazette report:** A homeless man thanked a judge for locking him up yet again – after he breached his ASBO for the 166th time. [Mr M] made sure he was caught by flouting the order right under the noses of police, a court heard. Not for the first time, [Mr M], 57, strolled into Middlesbrough Police HQ clutching an alcoholic drink. He told officers he had an anti-social behaviour order and promptly breached it by swigging the alcohol in front of them. It had the desired effect as [Mr M], of no fixed abode, ended up back in custody for the umpteenth time.

The persistent nature of the anti-social behaviour recounted here seems to justify the use of a prison sentence, arguably a solution, but again, a temporary one. It is also interesting that the defendant saw no other option and indeed, no other solution to his homeless status. However, within community courts and community justice centres, sentencing conditions require access to services to meet the needs of defendants, which are either co-located with the court, or

signposted by staff and key workers to co-ordinate (Cleary, 1999; Llewellyn-Thomas and Prior, 2007). In the previous case, the police may have acted quickly and in the case above, the courts have responded to the violation of the law. A prison sentence may offer this man food and shelter for a time, as it has on numerous occasions, but little was mentioned about his future, about what happens when he is released. A problem-solving approach via the court could offer more long-term solutions, access to treatment, more stable housing and income support to prevent re-offending (Mair and Millings 2011; Lee et al, 2013). The limitations of the state response are clear when presented with offenders who have a multitude of problems, which may or may not be directly related to their offending or deviancy.

The issues with the prevalence of anti-social behaviour and the need for problems to be resolved quickly seemed important to the police service, as did finding other ways to communicate their efforts:

I think one of the other things we are getting better at is dealing better at those in the wider community who come into contact with the police, I am not always sure we manage their expectations..... we need to utilise the good news stories, not just concentrate on the people that are our customers to all intents and purposes (Police Inspector).

This focus on 'customers', i.e. those living in the community who may or may not be victims of crime or anti-social behaviour, demonstrates how important it is for the police to focus on outcomes, to maintain consent and legitimacy in their authority (Friedman, 1994; Thurman et al, 2001; Rowe, 2008). However, problem-solving approaches in policing are not just a public relations exercise, there also needed to be what Alderson (1979) referred to as addressing the 'criminogenic social conditions through co-operative social action' (p.199). This 'co-operation' is at the heart of what so many have defined as important in a cohesive community (e.g. Faulkner, 2003; Rai, 2008). There is also reference here by Alderson to 'social action', i.e. those activities which can occur in formal practice (*social settings*) and informal arrangements (*situated activities*).

Other participants recounted experiences in which activities of the police did seem to go beyond the remit of their role, especially those in community beat officer roles with local neighbourhood policing teams:

I think...most people like to see bobbies on the beat, I have good relationship with the police, they have schemes like this triage thing were they will talk to the kids they find with cannabis, tell them about the consequences. I think the youth need a bit of tough intervention, so they avoid the slippery slope. It impacts on everybody, so this young lad and his mates had to give something back to the community, to have a taste of what will happen if he carries on. (Local Resident 3).

This resident sees the need for a response beyond the initial contact with the police and how important the police service can be in facilitating this and acting as a catalyst for problem-solving responses. The importance of visibility of the police is clear (Clarke, 1997; Reiner, 1992), as is the need for any efforts at engaging with citizens, in this case young people, to be properly resourced (Myhill, 2006). Confronting the young people with the consequences of their behaviour and working with mental health services to prevent further problems also presents an example of one of the core components of problem-solving approaches and restorative practice (Zehr, 1990; Consedine, 1993 and Nellis, 2000). This again demonstrates a merging of formal activities in *social settings* with *situated activity*, as the police officers' actions shift from law and order to restorative practice, working in partnership with others.

While those working in the Teesside Community Courts used CIS to help them make informed decisions in their sentencing (Wolf, 2007; Donoghue, 2014), for local neighbourhood policing teams, this information was a useful tool to enhance engagement and consultation with residents, to identify priorities and problems. This was supported by the work of PCSOs, who would be able to respond to those issues deemed important, but which might not reach the courts, i.e. anti-social behaviour:

I think PCSOs have been well received, sometimes I do not get the fuss made in the press, we cannot do all the things police officers can do but in a way we do more to help you know the everyday problems, the little things which a lot of people are reporting, like anti-social behaviour, dog fouling – its people's public spaces being made unsafe if theirs dog do everywhere' (PCSO NPT 2).

This perception of safety changing from what is arguably low-level offending has become a priority through its prevalence and visible impact on the environment, especially in public spaces. This is reflected in the raft of legislation passed under New Labour, and the increasing use of private security and promotion of situational methods to guarantee safety (Loader, 1999; Demos, 2000; Dorling and Rees, 2003). This sort of activity is argued to

enhance social capital, through increasing trust between residents (Green et al, 2000). However, this sense of safety and form of 'belonging' is only available to those who can afford it, and those who accept living in a community where visible signs of protection are seen as enhancing their quality of life. This form of community safety is an example of the incomplete project that Squires (2006) refers to and seems to shift community justice from its ethos of being therapeutic, inclusive and restorative (Lacey and Zedner, 1995; Nellis, 2000).

This ethos is also challenged by the focus on targets and outcomes in neighbourhood policing, as shown in this account of changing the needs of victims to fit with the needs of the local police service, in terms of 'performance culture':

There still is, irrespective of what the government says, there is still a performance culture, and we need to pull away from that. We have had some harrowing examples of kids, a shopkeeper having problems and just wanting us to go round and have a word but not recording a crime, and CIS want it recorded and detected but I think we need to avoid that and listen to the shopkeeper. Its detection performance culture above what the victim wants (Police Inspector).

The focus on the victim seemed to be an important component of the problem-solving approach, to think beyond the conclusion of the police activity as recorded the crime and passing the case on. However, this reflects the continuing pressure to meet targets and adhere to the approach of 'New Public Management' (NPM). This again shifts justice from focusing on ethical standards (Haque, 1999) and the principles of welfarism, accountability and citizenship (Rawls, 1971), to being more concerned with efficiency and effectiveness. The interaction between top down governance of criminal justice policies in this framework, demonstrates how *contextual resources* influence the experience of both 'community' and 'justice'. While some argued NPM could enhance innovation and creativity, it became an approach which accepted and extolled neo-liberalist ideals of reducing public spending, change management and the inclusion of the private sector in service delivery (Diefenbach, 2009). The quote above reflects what many participants referred to when discussing problem-solving approaches, in that they valued them and saw them as an effective and innovative way to do justice. However, they would then discuss the delivery of this in the broader structures, which created uncertainty for many initiatives in terms of sustainable funding and changing political strategies. This reiterates the need to examine community justice initiatives, as they occur in social domains. It seems despite the best intentions and

transformational activities which can occur locally, as found in the domains of *situated activity* and *social settings*, decisions made at state level represented by *contextual resources* will shift the focus of practitioners, and therefore, change the experience of justice in the community.

### **7.3 Working in partnership to deliver justice in the community**

References to partnership working among participants reflected this as a core part of the community justice approach, and as a means by which work more efficiently and effectively. Those working in the housing sector were singled out as important to help the local authority, police and courts deal more effectively with anti-social behaviour. They were a vital part of the process to evict perpetrators, and a crucial element for re-homing victims of domestic abuse:

Housing are someone we work with a lot, evictions, serving notices for ASB and sometimes with domestic cases, where we have someone in need of being moved, somewhere safe – so sometimes we call refuges, but that's a short term solution, housing associations can be better (PCSO, NPT1)

A safe place to live is arguably at the heart of creating community for many residents, and therefore, threats to this need to be understood. While Wilmott's (1987) categories defining community are somewhat simplistic, they do emphasise the importance of attachment to place (territorial communities) as well to others, through shared interests and beliefs (Shapland, 2008). However, given the importance of equality in access to resources to maintain cohesion and solidarity in response to threats such as anti-social behaviour (Mead, 1918; Faulkner 2003), it is clear, as reflected above, that long term solutions were needed. There were positive assessments of partnership working, despite some of the challenges and a general agreement that it had become the best way to implement policies:

It does work, and I would say at an operational level, even at higher level, the relationships are there, we have brilliant relationships, if I have an issue for example with the CPS I could go now and say this is a problem, can we get it sorted out, everybody is very bonded, I suppose because we work so closely together (Police/Community Courts Liaison).

This reflects the need for effective relationships just among those working with the CJS, as reflected in models of social capital, which facilitate the networks within existing political and

legal structures (Putnam 2000). To enable partnership working beyond the CJS would need 'synergistic' social capital, to build relationships between the state and third sector (Woolcock and Narayan, 2000). However, it is also important to recall the work of Foley and Edwards (1997) on the impact of social structures on levels of social capital. Similarly, to Faulkner (2003), equality in accessing resources was cited as a more significant influence on residents' quality of life, compared to the generation of trust and participation in local life. This reiterates the need to understand the scope of community justice initiatives, even when partnership working is observed to be effective and productive, as those involved also need access to resources to support their work.

For those on the front line of neighbourhood policing, partnership working was an important way to rebuild confidence in the police and CJS, not only to have access to other resources, but to show the CJS as a coherent and co-operative system:

The other important element for me in terms of agencies working together, is that you cannot shy away from the fact that confidence in the police has been rocked. In the last few years... so if we can go to the community and say we can do this, we can offer this, we work with partner agencies with greater diversity, people are far more likely to embrace this and have confidence in us and the multi-agency approach (Police Sergeant).

In the USA, this process of demonstrating effective partnership working, developing trust and respect between citizens and the state is referred to as 'collective efficacy' (Halpern, 2001). This was found in a study of civilian policing schemes (Silverman and della-Giustina, 2001), which were also cited as generating a form of social capital, when used to promote situational crime prevention strategies (Green et al, 2000). The reference to diversity here is also interesting, given the focus on tolerance of this as significant in ensuring community cohesion (Faulkner, 2003; Rai, 2008). In addition, creating productive relationships between the state, citizens and third sector was seen as vital by those working with victims to manage and solve problems:

[Partnership working is important because] familiarity I think, not just the services and departments, but between individuals and I think it is very much about, as I say, keeping those relationships maintained and keeping them as amicable as can be. You cannot always agree with everyone on all the different points, but it is just about working together. It's amazing the work that can come to Victim Support, where it is clear you will not be able to complete that without working in partnership with others,



so it's essential those links are there, with the right people in the right departments (Victim Support Team Manager).

Partnership working is also cited as important to be able to address other issues in the community, in this case, to promote initiatives aimed at addressing youth unemployment:

We have meetings also with schools and we are looking to work with others, such as High Tide, which is an organisation which represents local industries, in Teesside. It's financed by various industries, it offers work experience, helps people build CVs, towards portfolios and sometimes leads to apprenticeships and jobs. Trying to get the young people of Teesside involved in industry....on the one hand it gets young people involved in purposeful activities, and on the other side it's a workforce for them, because they are struggling to recruit I think (Police Sergeant).

While this seems to be a worthwhile way to help young people develop their skills and fill a workforce gap, given the problems Middlesbrough has faced in relation to the decline in industry as an employer, the potential for this scheme seems limited. The closure of the mines and steelworks industries has impacted the opportunities for secure employment, even with new opportunities arriving with the expansion of Teesside University and the Middlesbrough Institute of Modern Art (MIMA) Gallery (Worthy and Gouldson, 2010; Menzies, 2011). This pattern of de-industrialisation has occurred throughout the north east, with the closure of coal mines, and attempts to replace lost jobs through diversification into new industries. The reference above to 'purposeful activities' presents an example of the *situated activity* which can engage young people and bond them to their community. However, if the outcomes of such a scheme are limited by a lack of jobs, which offer security and a realistic living wage, then the potential of this partnership is lost. This is a concern for a region where some wards are facing a decreasing population (with the exception of the University Ward, Linthorpe and Middlehaven). For example, in North Ormesby, this decrease occurs alongside an ageing population, a decline in the number of children and young people in the population, and an influx of immigrant groups. Therefore, the scheme described above can help some of the residents of this region, but it is clear, other support services are needed to meet the needs of elderly people, and to integrate new immigrants more effectively.

In another effort to engage with young people, those working in the police service also referred to initiatives they led, relating to enhancing community safety and instilling responsibility, working in partnership with local schools:

We do a lot of work in schools, in the lead up to Halloween, as the night before Halloween some young people think they can go out and cause trouble, mostly throwing things at windows, smashed cars, some serious things which take up a lot of time. So we pull together a lot of the agencies in the build up to that to tell children about the dangers of fireworks, things like that (Police Sergeant).

Responsibility here refers to a process of informing young people about the dangers and consequences of their behaviour, in an effort to prevent such incidences. This risk management approach (Hughes and McLaughlin, 2002) enables the development of what Garland (2001) referred to as 'low-key efforts to build up the internal controls of neighbourhoods and to encourage communities to police themselves' (p7). The emphasis on *ongoing* and *low key* is important here, to shift the work of the police, especially when in partnership with schools, from law enforcement and repressive tactics, to those which prevent crime and create safer communities. Working with probation was also important for neighbourhood policing teams, to develop unpaid work opportunities as part of 'community payback' schemes, to show visible signs of justice and reparation, it was clearly important for the local police to feel part of this process:

We work with probation around the use of unpaid work and what we try to do with our Neighbourhood officers as part of their work in the community is to find projects. So for example the community centre needs painting, so you get your people on community sentence to go up and paint up – that is a really strong image about giving something back to the community. But you know its good for us, good for probation and good for offenders, because you can see they are getting something out of it and that positivity comes back to the community via the community centre. I think that is something we need to push along, certainly from a Neighbourhood perspective (Police Inspector).

This focus on 'giving back' as a form of reparative justice is seen as an important component in community-based initiatives (Nellis, 2000). The clear remit of enforcement of sentence conditions, involving neighbourhood police officers, provides a sense of social solidarity using the 'visible symbol [of] law' (Durkheim, 1960:64). This approach was also observed in the USA, through research by Michener (2013). She presented that one positive outcome of the

policing approaches during the era of zero-tolerance in the 1990s, was the engagement of local residents who had observed changes in their local community. Visibility it seems is an important aspect to community justice, whether in the form of visible signs of reparation, or changes to the environment, which create feelings of safety. However, there were many criticisms of this approach in policing, as it was seen as creating hostility between citizens and the police, especially in areas with high crime levels (Lerman and Weaver, 2014). Michener's (*ibid*) own study did emphasise the distinctly detrimental impact of crime and disorder on citizens' willingness to engage with the state. She also suggested this affected their perceptions of other criminal justice agencies, in a form of what Brunson and Miller (2006) refer to as 'legal cynicism'. The need for those in neighbourhood policing teams to have the consent of the public is clear (Rowe, 2008). Addressing anti-social behaviour fits with the problem-solving approach of neighbourhood policing (Skogan et al, 1999), and presents an opportunity to improve the quality of life for citizens, as this relates to their perceptions of safety.

#### **7.4 Restorative practice in the community**

This section examines the experiences of restorative practice, which was referred to by many participants as representing an important approach in community justice, especially to deal with low-level offending and anti-social behaviour. As with problem-solving approaches, there were positive experiences of the approach, but clearly challenges relating to perceptions of this as 'justice', the resources available to practitioners and the support from other agencies. Again, examples of the interaction between social domains are presented here, to reflect the complexity of attempting to deliver justice, with limited resources and negative public perceptions of this approach. Table 8 shows the key themes discussed in relation to restorative justice, as relating to challenges, supporting victims, confronting behaviour and repairing harm. While these reflect some of the principles and aims of this approach, the discussion around challenges and sense of justice reflected the problems practitioners had in promoting this as a viable alternative to taking a case to court.

**Table 8: Number of coding references generated by participants (n=23) discussing ‘restorative justice’**

<b>CODE</b>	<b>NUMBER OF CODING REFERENCES</b>
<b>Restorative approaches</b>	47
<b>Challenges</b>	32
<b>Sense of justice</b>	14
<b>Repair harm</b>	13
<b>Confronting behaviour</b>	12
<b>Victim support</b>	11

Restorative justice is meant to demonstrate its effectiveness in preventing re-offending, as well as placing the focus on victims’ and offenders’ rights, rejecting solely retributive forms of justice, and enabling re-integration for ex-offenders (Marshall, 1999; Wright, 2006). However, there remains a perception of informality in this approach, a sense that this is not a legitimate means by which to deal with crime as a violation of law (van Ness, 2005). Despite these concerns, Organisations such as UNITE offer expertise and forums for others to come together and deal with crime using restorative approaches. Studies have demonstrated a range of positive outcomes such as victim satisfaction (Shapland and Hall, 2007), reduction in re-offending (Sherman and Strang, 2007) and a positive impact on community cohesion (ACPO, 2012a).

Among those working in the police service, there was reference to this approach as useful, but police officers still needed clarity as to when to use it and for some, it was essentially re-branding neighbourhood policing:

Some forces go down the restorative route, with officers doing everything, or some just go and have a word – well that’s not restorative justice that just common sense ‘bobby’. For me, the government have not made it clear – I know what restorative justice is but some are just doing common sense policing, so it needs clarity from the top. Whatever it means, common sense bobbying, that’s all well and good, but if it means going to restorative justice as in going through the whole process then that is completely different (Police Inspector).

This alignment between restorative practice and neighbourhood policing reflects the claims of creating community and connectedness (McCold and Watchel, 1997; 2002). The reference to 'bobbying' as part of the high visibility strategies of the reassurance agenda in policing is paramount to creating feelings of safety but also of connecting directly with the public. These methods are seen as 'common sense' but they do also reflect reparative forms of justice which seek to resolve conflict (Marshall, 1999; Wright, 2006). Restorative justice also attempts to avoid creating more problems, by confronting perpetrators with the consequences of their behaviour, and then prescribing what they have to do to prevent a recurrence:

Family mediation is usually around resolving a young person being kicked out, so we are trying to avoid having to re-home them, by trying to help them back into the [family] home. We will also work with the youth offending team, the young offender and their parents and to give them support to stop them re-offending. The focus is on problem-solving, conflict management skills, try and help them to help themselves (Restorative Justice Mediator).

In relation to family mediation and working with the Youth Offending Team, there is a clear focus on diversion here, engaging with offenders and, in this case, their parents to be part of the solution. While these examples present restorative practice as transformative and creating a form of community (Christie, 1977, McCold and Watchel 2002), the effect may be temporary and limited to those with a vested interest. Restorative approaches can reaffirm for all citizens what is right and wrong, as a form of social solidarity (Mead, 1918), but to present this as an alternative to punitive sanctions, which are seen as reinforcing social norms and upholding the law is problematic (Karp and Clear, 2000). Those working in the community court saw an opportunity to use sentences or sentence planning, to adopt restorative justice as part of a court order:

More use of restorative justice is helpful the courts can make this part of an order, it is not something always before court. We are about to start neighbourhood justice panels, there are pilots out there. There are concerns if it takes work out of the courts, but again it gives the community the chance to take a bit of control it could work out well (Magistrate in the Community Court 2).

It is interesting to see here reference to taking cases out of the work of the courts, and back to the community, where neighbourhood justice panels represent a process, which is placed in the hands of local residents and local state agencies. This again is an important aspect of community justice principles, where the response to crime must consider the impact on local

people, as well as victims and offenders (Lea, 2002). The placing of control back to the community is clearly important for victims of crime (Christie, 1977), but also for other residents to see justice as a force for unity and solidarity (Mead, 1918; Shapland 2008), rather than the sole responsibility of the state. However, those working within the third sector, reported that the take up of such services had been slow:

Yes, with other agencies as an advocate for clients and I was also trained for restorative justice, a project in Stockton, various different agencies from the fire, police, probation to train as level 2 facilitators. All agencies then can refer to a panel of facilitators, but unfortunately it has not really got off the ground, I have sat in on conferences but we have not managed to get it off the ground (Victim Support Volunteer 1).

These perspectives demonstrate a desire to adopt restorative justice, but also with some recognition of the challenges in implementation. As explored in Chapter 3 (section 3.5), if restorative justice is meant to repair harms and discourage reoccurrence of offending (Zehr, 1990), it's a concern that it depends on so many different sectors and stakeholders to implement it. This is further emphasised below with reference to the lack of will to go beyond talking about this new innovation, and actually putting resources in place to implement it:

I think that restorative justice is great, but I do think a lot of agencies use it as sort of a buzzword. You know they say yes we support it and believe it's the right way forward, however my experience of it is very different, because with all those people selected, by those agencies, the difficulty then was trying to get people to take time out from their workplace and deal with these cases (Victim Support Volunteer 2).

As shown with the challenges of implementing community policing, there is clearly also a need to consider how well the community is set up to facilitate restorative justice, so that it can provide practical support and 'peace-making criminology' to resolve conflicts (Quinney, 2000; Sullivan and Tift, 2001). As well as these logistical issues, those working with victims also emphasised a key challenge for the implementation of restorative practice was the requirement that offenders themselves had to engage in the process:

It's still controlled....if the perpetrator does not want to take part in it, it cannot happen, if it was mandatory so they had to take part in it as part of their sentence, it would happen. But with restorative justice, the principle is, the perpetrator has to agree to it. If they do not, despite the fact the victim may feel it's a means to have their voice heard and they are quite excited as it good for them, still it is controlled

by the perpetrator, if they do not want to engage, it does not go ahead (Victim Support Volunteer 1).

Within the courts was also the recognition that victims may not wish to engage with the process of restorative justice, no matter how well it is promoted as a process of healing and reassurance, and as a sense of 'justice' for victims in confronting offenders:

Not every victim wants to get involved in restorative justice but some do, and often it is surprising victims that do, like the elderly lady who has been burgled who you think may not want to confront this young person. It is very brave of them to do it but if they do the rewards are enormous because they want to ask the question you know, why me? Was I targeted, why did do this, why did you smash photo frames, urinate in my house – confronting people with their behaviour I think is much more likely to prevent re-offending (Magistrate in the Community Court 1).

Offering victims a chance to confront offenders presents an opportunity to understand the trauma they have faced. However, as the participant above refers to, this requires courage, willingness to face up to what has happened, and to adopt a different way to do justice. The capacity for such a response to be accepted when formal social controls and retributive processes are on offer could be undermined, depending on individuals' expectations of justice (Cohen, 1985; Nellis, 2000). In addition to concerns about awareness of restorative practice, acceptance by criminal justice practitioners and the local community and inclusion of victims and offenders, there were clear logistical challenges when implementing this approach:

We had one where we had a number of fires in the park area of Brambles farm, we identified 8 young people, some were on ASBOs, some had been in trouble before such as causing damage. We could not do restorative justice just for the ones that had not been in trouble with the police before, and then prosecute the ones on ASBOs, so we wanted to give the full lot to UNITE to do a level 2 restorative justice. But I do sympathise with UNITE, having us five agencies, getting those 7 young people a time when they are all available is massively challenging. Because of that it has taken them weeks and through that period of time, a lot of young people fell off. We did it in the end but with only two people instead of the eight, so it has to be timely justice, this was a disappointing outcome (Police Sergeant).

The seriousness of this crime and the number of offenders involved clearly presented particular issues, as did the legal implications of dealing with offenders who had already had contact with the police and courts. An outcome of concern cited here is the time taken to deal with the impact of this case, given this is a criticism of the CJS and especially the courts (Bowen and Whitehead, 2013). This outcome, described as disappointing, would therefore not reinforce the

case for innovations in justice, compared to the potential for such as case to go through the courts.

Despite the challenges, there seemed to be a drive among some participants to continue with restorative practice and problem solving. This account reiterated the need to shift focus from concerns about meeting targets when trying to implement more innovative practice:

My biggest frustration, talking openly here, we have been managing up when we could manage down. When Inspectors and Sergeants count in their monthly performance reviews with their bosses, I do not think restorative justice is necessarily on the agenda, as it was a service provided by somebody else and so we are not necessarily getting measured on it. But, if it had gone from the ACC down, it would be getting pushed from senior ranks and then I think there would be more referrals. There are a lot of hours trying to lean on my colleague Inspectors and speaking to their Chief Inspectors to reiterate the issue and keep the referrals coming through (Police Inspector).

In a system of justice criticised for its lack of focus on the reintegration of offenders (Radzinowicz, 1991; Nellis, 2000) and focus on more authoritarian measures which address citizens' fears (Cohen, 1985; Garland, 2001), the frustrations felt by practitioners who have witnessed the effect of new approaches such as restorative justice or problem-solving courts are clear. If, as Cohen (*ibid*) suggested, community justice could have been the vanguard of a more refined and humane response to crime, this frustration must resonate with many practitioners, researchers and others who have understood the potential of community justice, and seen time and time again, how it is side-lined and de-legitimised.

## **7.5 Challenging innovation - the problem with problem-solving approaches**

This chapter has presented various experiences and examples of problem-solving approaches, with some reference to the inevitable challenges of implementing innovations in criminal justice. These issues will now be explored in more detail here, as they formed an important part of the findings. These experiences also present examples of the interaction between *psycho-biographical* experiences, the *situated activities* of those in the community and third sector, the activities of the state in *social settings* and broader *contextual resources* which influence this. Many of the issues which present challenges to implementing innovations refer to the latter two domains, as more positive and constructive experiences



cited above are contained within individual accounts and the informal mechanisms available to local residents, to solve problems. The challenges presented in this section refer to the problems arising with top down governance and changing political priorities, which shift the focus of practitioners and therefore, the experience of justice being done in the community. These experiences are also discussed with reference to the expectations of the CJS, and how they need to be managed to implement innovations in delivering justice.

Concerns raised about achieving justice and increasing confidence in the CJS seemed to be a particular issue for those explaining sentencing decisions. This was often done to counteract press reports of community sentences, which were presented as an injustice, and inadequate as punishment. This point of disconnect at sentencing, also showed a general lack of understanding about the legal framework in which those working in courts operate:

The other concern we have is...the courts feedback information and one of the biggest areas where I can see there is a dispute between what the public perception is and what the reality is i.e. how the CJS works. It is an area we never get a grip of and never really will because there is a big gap between us cautioning someone and the public wanting them hung drawn and quartered, that is really difficult to pull that together (Police Inspector).

This view also demonstrates the assumption that public perceptions of justice are that it needs to be retributive, meaning sanctions such as cautions simply will not meet public expectations. Community justice approaches, in contrast to adversarial approaches, attempt to improve understanding regarding sentencing decisions made, through outreach work, to increase transparency and accountability (Wolf, 2007; Mair and Millings, 2011; Donoghue, 2014). Karp and Clear (2002) make the case for this approach when dealing with low-level offending which affects daily quality of life, to shift such cases away from a 'contest to be won' (p.328), and instead to recognise crime as symptomatic of a series of problems which must be addressed. Those working in the probation service saw the community court as another means by which to reduce re-offending, and as an important mechanism for partnership working:

Community justice works well to link the police, probation and the courts work. There needs to be a better focus on diversion from re-offending, especially in deprived areas (Probation Manager).

However, those presenting accounts on the value of such approaches seemed to be constantly mindful of public perceptions of justice, especially when there was deemed to be an impact on the community:

Absolutely, it is all about that sort of 'in the public interest', but, you know, what is in the public interest? So for me if you have got the public saying 'I want something done about this, it is making our life a misery'. Well that, from a police and CPS [Crown Prosecution Service] perspective we should go that extra mile to get the case to court, whereas before we might have felt there was insufficient evidence, well no let's give it a punt and I think we should where there is a community impact (Police Inspector).

While the focus public interest is attributed here to the work of the CPS, this account suggests that for local residents, justice is having a case go to court. This also emphasises the use of CIS, to present evidence of harm, and make a more robust case for such incidences to go to court. 'Public interest' has a clear victim centred approach here, (Ashworth, 1992; Davis and Smith, 1994), where a 'day in court' is deemed to help build confidence and increase the perception that the CJS is effective in dealing with offenders (Mirlees-Black, 2001; Allen et al, 2005; Home Office, 2008). This review of public perceptions and what victims want raises the question as to the feasibility of implement community justice initiatives, which may not satisfy expectations, despite the promises of resolving problems, creating cohesion and preventing re-offending. Rather than justice being a means by which to reinforce the 'bonds of civic friendship' (Rawls, 1971:5), and repair the harms caused, it remains a means by which to uphold the law and provide vindication for those who accept this. Among those working the community court, there was more understanding of this need to inform the public that community justice approaches were different, but that they offered an important opportunity to prevent re-offending:

[Community justice] I think, is misunderstood and we need to tell the public, as when they hear about a case like an assault, this makes the headlines, so we need to explain our work, and that community justice is not just done in the courts. My role as a magistrate is not just to punish, but to punish in the right way so the community benefit from this, it's easier to send someone to prison, harder to address the problems (Magistrate in the Community Court 1).

The emphasis on punishment is important here, as this seems to be the element missing in those perceptions of community penalties in which this is presented as ineffective, especially

when discussed in the framework of an 'alternative' to custody. There are inevitable challenges to this, which relate to the concerns about whether this constitutes justice, but also, to the ways in which such options may be adopted for low-level crime, or what Mair et al (2007) referred to as 'uptariffing'. The account above refers to the ease of giving an offender a prison sentence, compared to a community penalty with various conditions and demands for assistance from other agencies. In addition, there is a risk of non-compliance when sentences are overloaded in this way (Hedderman et al 1999; Bottoms, 2001; Ugwudike 2010). However, despite the concerns about uptariffing, the research by Mair et al (*ibid*) did emphasise that the potential for such sanctions to work was there, if magistrates were more aware of the options and if community provisions to support offenders' desistance were properly resourced. The CJC in Red Hook (see Chapter 3, section 3.7) aimed to present its form of community justice as a deterrent, so even minor 'misdemeanours' would face punishment and follow up appearances to ensure compliance. This was very much part of enhancing the legitimacy of the courts to ensure adherence to the law and be seen to be dealing with offenders (Tyler, 2006).

While there has been concern raised about the efficacy of community penalties, and the meaning of community justice in terms of its purpose and aims, another issue cited by practitioners was tokenistic way such initiatives were treated:

The issue has been, I think that community justice has kind of lost its direction somewhere along the line. When it first started it was a very small project, confined to a small area, not huge, there was a designated court, we had designated staff and it was great. When we rolled it out across Middlesbrough and then across Hartlepool as well, because the Mayor of Hartlepool decided he wanted a bit of the action, it diluted and it diluted because we had to take on extra work (Police/Community Justice Liaison).

Burton (2003) referred this tokenism, with the implementation of the work of the Social Exclusion Unit (SEU) and initiatives such as Sure Start, Education Action Zones and New Deal for Communities. While they targeted areas designated as deprived, the measures did not resolve the broader persistent inequalities and were not resourced adequately to do this (*ibid*; Ledwith, 2011). The account above also demonstrates how community justice initiatives, when presented as having potentially transformative effects on a community will be seen as ineffective when this does not occur. For residents and practitioners, there are

perceived failings in achieving justice and resolving broader problems relating to crime and anti-social behaviour. The impact this has was cited by Burton (2003) as particularly detrimental to those working with the state in the third sector, where failure is attributed to their lack of effort, and not decisions made by state authorities and central government. The reference to the impact of such decisions was clear from this account:

I still think that at the more senior officer level, if there is not the commitment there it is never going to happen. Because they are the ones ultimately that can say yes we can do this, we cannot and I think there is a lack of understanding about some of the changes at the top. They do not really understand what community justice is about so therefore it's not a priority for them (Police/Community Courts Liaison).

There is a clear concern here about the view that community justice initiatives are not prioritised and are mis-represented. In 2010, the House of Commons Justice Committee suggested 'prehabilitation' as a more effective and humane response, to tackle broader issues contributing to offending and to disregard criticism from media reporting of new approaches to justice. This implies at one point within New Labour, there was a concerted effort to implement significant changes in approach, for police services, courts and the whole range of criminal justice practitioners, but specifically for those working to managing crime and disorder at a local level. Specifically, this change aimed to focus on a 'locally responsive system of community sentences' (HOCJC, 2010:8) which would also require partnership working beyond the CJS to enable effective problem solving.

Participants in the police service raised the perception of justice relating to victims' experiences, singling out the work of Crown Prosecution Service (CPS) as needing to keep victims and local residents informed about cases, especially those designated as having a 'community impact'. This was cited as important for police officers, who bore the brunt of negative views, so they could also understand and explain decisions by the CPS:

Yes, we can be clearer to the community, in that if there is issue at a community meeting about the CPS decision, they will then come to the next meeting and we do the same with the magistrates' courts, to explain why they make their decisions. Because the police...we are the frontline for the community so if there is a problem, you know, it's the police's fault, but sometimes it was not our fault, so the CPS and the courts can now come to the community and say this was our decision and these are the reasons (Police Inspector).

Explaining the decisions of the courts was also clearly important and demonstrated the value of the need for transparency in the CJS to begin to engage citizens, whether as taking responsibility for their safety or accepting offenders into their community. Networking social capital requires that citizens have forums and links to state agencies (Granovetter, 1973) which transcend power relations and status (Woolcock and Narayan, 2000). For this relationship to maintain its standing, transparency in decision making must be considered, in order for citizens to legitimise the activities of CJS agencies. Local residents' views about the work of the state are characterised by a different set of emotions when serious incidences occur, even when, as shown in this account, the victim was at fault:

We had a case of death by dangerous driving, where all the person got charged with, because the pedestrian was at fault, all the person got charged with was no insurance, but what you put that out without any of this context, people are going to ask well what's going on there? This was death by dangerous driving and now it is no insurance. Unless we are really, really careful about contextualising the results to the community that we give, to make sure they are not giving this false image of what happens (Police Inspector).

This perception of an injustice occurring demonstrates the need for context and understanding of the circumstances of the case, and laws, which feed into the decision making of the CPS and courts. With a fatality, a loss to a family, when such cases come to the attention of local residents, justice as punishment is demanded, in the form of charging this offender with the more serious offence of dangerous driving, despite evidence to the contrary. This demonstrates that justice is still seen as a process of retribution, presenting a challenge for community justice, which advocates restorative practice (Nellis, 2000; Wolf 2007). This has also occurred despite the work of Rawls (1971), Christie (1977), Foucault (1977), Cohen (1985) and Garland (2001) demonstrating the need for a system of justice to deal with crime as a disruptive force, in a way that reinforces bonds and the 'ties of civility' (Rawls, 1971:6).

It is also important to remember that the process of justice is meant to uphold the rights of defendants, and when this process brings in additional elements of problem-solving, it becomes clear how complicated this can become. The accounts of some of the cases coming to the Teesside Community Court below demonstrate the challenges in responding to crime

as a violation of law, and as a problem-solving exercise when defendants have mental health issues:

So people with learning difficulties and mental health issues can present us with a problem because it is difficult to know why they offend, difficult to address re-offending, difficult to ...I say difficult...it's not as straightforward as we are used to dealing with in court. Do they understand what has happened and what the outcomes are after court? So it's very complex. We do expect people to fall into a pigeon hole, they do not and this is something we need to recognise (Magistrate in the Community Court 1).

This reference to complexity where defendants are not easily categorised emphasises the need for an 'individualised' approach to sentencing. This requires that magistrates are fully informed about their defendants' circumstances, prior to and at the time of the offence (Wolf 2007; Donoghue, 2014), and of the various options available to them, to use the sentence to address those problems which may impede desistance (Mair et al 2007; Bowen and Whitehead, 2013). The HOCJC (2010) report reiterated the need for long term thinking to allow reforms to the justice system to embed and create a 'well-resourced....and locally-responsive system of community sentences' (p8). However, among practitioners working with the courts, there was reference to changes in governance determining the sustainability of new policies. It was clear from the account below, that investment as advocated by the HOCJC above was needed to do this, but there was a sense of this being another lost opportunity:

(On community courts) It's a travesty it has not maintained its momentum, people need to see the benefits of it and I would like to see it come back, it depends on who is in government, whether they will invest. I think the CJS and its partners need to know what is going on out there (Police/Community Justice Liaison).

As well as outreach and engagement to better inform the public or re-training criminal justice practitioners, a shift to a justice system which is more inclusive and focuses on restorative practice and problem-solving reflects the need for a more fundamental shift in policy (Haque, 1999). This would require a move away from managerialist approaches but given that the problems to be solved in some communities are extensive, it could be argued that this is a remedy beyond the remit of the courts and the justice system. However, for the CJS to continue to treat symptoms and not be part of the solution to inequalities, even though this requires wholesale structural changes (Fraser, 1997; Young 1999), is more likely to displace

problems, rather than solve them. Advocates of this sort of change, what Young referred to as a 'new reflexive modernity' (1999:199), emphasise that for justice to be transformative and 'socially meaningful' (Donoghue 2014:141), society must be more equal. While this may be limited to low-level crimes and anti-social behaviour, the transformation can occur when local residents feel safe, can see their community is safe and understand how to maintain this (Ledwith, 2011). The 'climate of reciprocity' (Crawford, 2002; Hughes and Rowe, 2007) required to uphold the rights and responsibilities of citizens (Hopkins-Burke, 2014), would offer a stronger foundation for a justice system seeking to repair harms, re-integrate offenders and support victims.

Local news reported regularly on the outcomes of Teesside Combined Court, which incorporated the work of the community court, with an on-going section on their website called 'Scales of Justice' which presented sentencing outcomes. For those working on the new community court, there was a need to deal with negative representations on the outcomes of these cases:

I can see both sides, my background is journalism, I have done court reporting and I know you are looking for the hook, the punchy intro and something that draws the public in and reaches out to them, and I know the legal guidelines. But it is very difficult to explain to the public how and why we do what we do, you cannot put it over in an easy sentence so although we work well with the media, one damaging headline can undo years and years of work (Magistrate Community Court 1).

A particular instance involving young people was described, as it involved a serious offence against animals and caused a great deal of distress in the community, but the limitations of the court in acting on offenders aged 11/12 meant the press reported this as an 'injustice':

We had an instance a few years ago of quite young children, I think they were 11/12, that sort of age in youth court. It was a horrible crime on an allotment with chickens and ducks, but because of their age, they could not go to prison, so they could only get a referral order. It was their first time before court and they were pleading guilty. They could not be banned from keeping animals as they were young, but there was a very damaging headline in the local press - 'this is not justice' which was a quote from the owners of the allotment whose animals had been killed. But, trying to explain to people this was the only option the court had. You cannot take children into detention at that age it would have to be a referral. (Magistrate in the Community Court 1).

With evidence of fear of crime and a climate in which excessive punishments are accepted and even demanded as core to the principles of justice (Garland, 1996), media reporting plays an important role in this process and maintaining this ideology. The response here is focused on situational methods (Clarke, 1997) to prevent further victimisation, as part of the strategy to help victims move on. Obviously, this is a useful and important aspect to dealing with anti-social behaviour and bound to be the focus of an organisation dealing with victims. However, among the participants working and volunteering for Victim Support, there was little awareness of what other agencies did, beyond the police referring cases to them. While providing practical advice to secure a home or property is valuable, it is important that for some victims they have a sense of either justice being done, or an understanding as to why the harm caused to them is not being dealt with by the CJS.

## **7.6 Summary and conclusions**

It was important for this chapter to examine the local experiences of problem-solving approaches, in the same way the experiences of 'community' and 'community engagement' were examined in the previous chapter. Layder's (2006) social domain theory enables this and provides a framework to manage the different accounts of problem-solving approaches and restorative practice. The themes are examined in the context of the socio-economic narrative of Middlesbrough, as a town, which has faced industrial decline and a changing employment market, along with an influx of immigrant populations. While much of this applied to the understanding and experiences of 'community', it did emphasise the need to consider the domain of *contextual resources* on the *psycho-biographical* accounts presented here, of *situated activity* and *social settings*, which represent the responses to crime and anti-social behaviour. The work of the Teesside Community Court demonstrated both the value of problem-solving approaches, and the challenges in implementing such innovations. While this model deviated from the NLCJC, its implementation in the existing combined court showed an attempt to engage with the principles of problem-solving approaches. Applying social domain theory here was useful as participants recounted the *psycho-biographical* experiences of defendants. They were required to engage in dialogue with magistrates in formal *social settings* and were also offered help in the form of signposting to local third sector organisations. This was in order to enhance their access to *situated activities*, as part of their process of rehabilitation. The sort of problems revealed by participants were referred to as 'triggers' or a



'health check' reiterated the need for magistrates to consider what options were available locally to meet the needs identified by this process. This was an important point of intervention, a setting where defendants faced up to the consequences of their behaviour and were then offered guidance to address what led to this. This was intended to make the intervention meaningful and effective (Nellis, 2000; Donoghue, 2014; Ward, 2014), reflecting the uniqueness of this approach in delivering justice (Mair and Millings, 2011). Local knowledge of assistance available to defendants was important, such as the North Ormesby community centre, which provided advice on debt management. This was vital to address the multiple needs identified in the court, and to enhance the likelihood of compliance. Those working in the community court were aware of how different this approach was compared to the adversarial system they had previously worked in, showing a shift from the court as a place to administer punishment to one embracing a process of 'therapeutic jurisprudence' (Ward, 2014:2).

While there was some resistance reported in asking magistrates to attempt to 'build a rapport' with defendants, it was clear for those working in the courts, that it was important to overcome this. Innovations in courts to deal with low-level offending offer restorative practice, access to treatment for physical and mental health problems and empower magistrates to deliver sentences, which have greater potential in reducing re-offending (Bowen and Whitehead, 2013). However, in reference to the influence of *contextual resources* on social life, it is important to acknowledge the problems identified in the implementation of community justice initiatives which rely on effective community services to support desistance (Mair et al, 2007; Social Exclusion Unit, 2003; Laub and Sampson, 2003; King, 2012). While we can value the 'feel good factors' associated with problem-solving approaches (Annison et al, 2013), it is also important to remember that sentencers have legal guidelines to follow, and that courts must also assess compliance with community sentences. This is also an issue raised in the use of VIS and CIS, as to whether they would help sentencers make more informed decisions (Erez, 1999; Donoghue, 2014), or would raise unrealistic expectations of the processes of justice, and the purpose of these statements (Garland, 2001; Roberts and Manikis, 2013; Lens et al, 2015).

In Neighbourhood Policing Teams, participants recognised the value of problem-solving approaches in the courts and were particularly keen to make use of CIS not only as a means

to inform sentencing practice, but also as a way to be more informed about the community they served. However, there were differences in the accounts of the purpose of CIS, from those in the courts, who were very aware of needing to adhere to sentencing guidelines (Sentencing Council for England and Wales, 2015), even when this was perceived to be unsupportive to victims. Problem solving also took on a different guise when applied as part of the reassurance agenda in neighbourhood policing (Maguire and John, 2006). In dealing with cases of homelessness causing a nuisance and anti-social behaviour, problem solving seemed to evolve into displacement (Eck, 1993; Bowers et al 2003). The focus for the police was the visibility of problems, and therefore this formed the focus of their response, which was arguably, temporarily effective, but limited in its scope. The approach of the neighbourhood policing teams was also interesting when they described local residents as 'customers' and emphasised the importance of public relations strategies to better manage expectations and communicate success. Alderson's (1979) original vision of community policing required co-operative social action, and engagement between local residents and their police service. The challenges of implementing this aspect of what is now known as neighbourhood policing have been discussed in the previous chapter, and perhaps explain why managing expectations seems to be an important issue for the police to address. That said, the visible presence of 'bobbies on the beat' was important to residents, as was the role of PCSOs, who were valued in the community to deal with low-level offending and anti-social behaviour.

The police saw an important aspect of their role in supporting victims was to offer crime prevention advice. While some have argued this enhances social capital (Green et al, 2003), the reliance on private security to increase community safety is a concern, as it can exclude those who do not have access to such resources (Loader, 1999; Demos, 2000; Dorling and Rees, 2003; Squires, 2006). Concerns about the performance culture and meeting targets seemed to be a barrier to meeting the needs of local residents, shifting justice as a set of principles concerned with welfarism, accountability and citizenship (Rawls, 1971), to those enshrined in the ethos of 'New Public Management'. This example of *contextual resources* in the form of centrally determined law and order policies, influences the work of the police and experiences of policing for residents, and further demonstrates the need to understand the relationship between social domains.

Both partnership working, and restorative practice were cited as important components of community justice, in order to implement problem-solving approaches, find mechanisms to support victims and meet the needs of offenders, all within the framework of the justice system. This was particularly important for those incidences which threaten safety and the 'sense of community' so valued by local residents, and which would impact on cohesion (Mead, 1918; Faulkner, 2003; Shapland, 2008). These partnerships occurred within *situated activities*, locally in the form of state agencies working with the third sector and in the accounts of residents who expressed pride in their community as a place where they engaged in regular interactions with others. They were also important in *social settings*, to support the work of CJS practitioners seeking to find long-term solutions to the problem of crime and to enhance confidence in the CJS. The ineffectiveness in partnership working demonstrated once again the influences of *contextual resources* on *psycho-biographical* experiences of 'justice'. This was represented by lack of investment to keep community justice initiatives such as the problem-solving courts going, creating uncertainty and a sense of cynicism among local residents about yet another innovation, which would 'come and go'.

While partnership working could be seen as an example of synergistic social capital (Woolcock and Narayan, 2000), or collective efficacy (Halpern, 2001), resources are needed to support this, especially if such arrangements promise to enhance local residents' quality of life and feelings of safety (Foley and Edwards, 1997; Faulkner, 2003). Again, the narrative of Middlesbrough and the challenges it faces as a result of the lack of employment opportunities, especially for young people, highlights the limitations of partnership working and restorative practice. Such strategies have to attempt to make changes and transform lives in a climate of inequalities and demands for the justice system to alleviate problems associated with crime and anti-social behaviour (see Chapter 5).

Perceptions of justice were a common theme in the discussions with participants, especially when examining sentencing decisions and how these were represented in local press reports. Those working in the courts attempted to inform local residents about their decision-making process, but also seemed to recognise the struggle they faced in light of media reporting and expectations of the justice system. There was a view that these expectations demanded a punitive and retributive response, meaning community sentences and problem-solving approaches would be deemed as ineffective. Despite the efforts of staff to be more transparent

and accountable to local residents (Wolf, 2007; Mair and Millings, 2011; Donoghue, 2014), it still seemed that the focus of the CJS needed to take into account the experiences of victims, and also of incidences described as having a 'community impact'. Justice for some seemed not to be a means to enhance cohesion through reparation and restitution (Rawls, 1971), but to deter others and remove problems in order to keep residents safe. There are legitimate concerns about the widening net of CJS sanctions (Foucault, 1977; Cohen, 1985; Garland 2001), and uptariffing of sentencing to deal with low-level offending (Mair et al, 2007). However, it is important to remember that community justice and problem-solving approaches aim for long term and transformational change for offenders, victims and local residents. Arguably, in communities such as North Ormesby and other wards facing deprivation and inequality, such measures may be seen as tokenistic (Burton, 2003) and limited in their scope if these broader issues are not addressed (Fraser, 1997; Young 1999; Ledwith 2011). When this also occurs within a political system, which keeps to the ethos of both crime control and efficiency in spending, then it is difficult to see how community justice initiatives will ever be prioritised. While efforts have been made to offer a more humane approach to crime through community sentencing (HOCJC, 2010; 2015), they are not sustained and all too often the rhetoric of those managing the justice system favour a punitive response (Cohen, 1985; Radzinowicz, 1991; Nellis, 2000).

## 8. DISCUSSION AND CONCLUSIONS

The principal aim of this study was to critically examine the claims that community justice initiatives can bring about cohesion and unity, and essentially create 'community', through dealing with crime and anti-social behaviour. A case study approach utilising Layder's (2006) social domain theory (see Chapter 4) was adopted as the theoretical framework for this research, to examine experiences of community life and the processes of justice. It was important therefore to critically examine definitions of both 'community' and 'justice', the theories associated with this and how both have been applied in policy presented as community justice. This has formed the basis of the literature review for this research (see Chapters 2 and 3). The data collected enabled an examination of the implementation of community justice, in the context of understanding the relationship between local residents, the third sector and the state. This again demonstrates the value of adopting Layder's (2006) social domain theory, which seeks to examine individual experiences, informal and formal activities which occur in a community, and the socio-economic conditions which influence this. These domains of *psycho-biography*, *situated activity*, *social settings* and *contextual resources* formed the theoretical framework for the case study design, and the analysis of the findings.

The case study approach was also supported by Layder's (1998) adaptive theory, which embraces the complexity of examining social life, and allows researchers to adapt to external changes (see Chapter 4). In this case, this was important to allow the study to include various forms of community justice, beyond the initial focus on the Teesside Community Court. The rationale behind this decision was to examine different manifestations of problem solving and restorative approaches as innovations in justice. It was also necessary to gain understanding about the relationship between CJS agencies and others in implementing innovative methods to deal with crime and anti-social behaviour. The 'scaffold' for this study also included using other resources, to provide context for the qualitative data, collected from interviews with CJS practitioners, volunteers and local residents. These sources included data from the Office for National Statistics (2011) to examine the socio-economic conditions in Middlesbrough, along with a brief history of its past as a town which has experienced rapid de-industrialisation (Worthy and Gouldon, 2010; Menzies, 2011). There was also scrutiny of local news sites and

social networking pages to provide a profile of 'community life' in Middlesbrough, and also of community justice initiatives, such as the Safer Stockton Partnership, Victim Support and the work of the Teesside Community Court (see Chapter 5).

### **8.1 Examining community experiences through social domain theory**

The focus for this study was to examine the scope of the principles of community justice, such as partnership working, community engagement and instilling responsibility, in a location which has faced inequality and significant socio-economic changes. The significance of these changes is important for policy makers to understand, if they are attempting to transform lives through sentencing practice, restorative arrangements and neighbourhood policing approaches. Clearly, there is a value in community justice policies which focus on local needs, reduce re-offending through problem solving and restorative practice to repair harms (Karp and Clear, 2000; Wolf, 2007; Donoghue, 2014) (see Chapter 3, section 3.2). As aims for community justice practitioners, it is not difficult to see how such mechanisms can deal effectively with low level offending and anti-social behaviour. However, as this study has shown, there are challenges to the implementation of these forms of community justice. These relate to individual perceptions of what justice is and what it is supposed to do, and assumptions about the existence of interactions and activities in a community, which could support re-integration of offenders and support victims. The use of community in social and criminal justice policy reflects the perception of its 'normative and political effects' and as having 'governmental appeal' (Hughes and Rowe, 2007:318). This appeal of policies which claim to have a local focus place community as engendering a status beyond its everyday meaning (Mair, 1995), emphasising the need to understand the various ways it is defined and experienced (see Chapter 2, section 2.1).

These definitions have categorised community according to place, interest and attachment (Wilmott, 1987), as a response to harm (Mead, 1918; Shapland, 2008) as represented by consensus and tolerance of diversity (Parekh, 2000; Faulkner, 2003; White, 2003; Rai, 2008) and also as requiring reciprocity, defence of rights and acceptance of responsibility (Garland, 2001; Crawford, 2002; Hopkins-Burke, 2014) (see Chapter 2, section 2.2). These definitions arguably present aspirational ideals and emphasise what is required in order to define a community as cohesive and a manifestation of what policy makers and governments seek to

create. Given the setting for this research, it was therefore necessary to explore the relationships and networks between the state and local residents which exist or are required in order to deal with the problem of crime and anti-social behaviour. Social capital theory offers an analysis of these relationships and networks as they build on and claim to create resources for local citizens to access. These resources can be represented by amenities to meet practical needs, and also, by friendships, acquaintances, opportunities for participation in local life, social interaction and links with state agencies (Putnam 2001; Leonard and Onyx, 2007) (see Chapter 2, section 2.3). Synergistic perspectives of social capital advocate alliances between citizens and the state, to work together to solve problems (Woolcock and Narayan, 2001; Fox, 1992). However, Foley and Edwards (1997) interpretations of social capital emphasised equality of access to resources as more important than relationships and trust, particularly given the claims of this theory as a support for social policy with a local focus. The scope of these claims was demonstrated in an analysis of the work of the Social Exclusion Unit (SEU), where initiatives were described as tokenistic and limited in their achievements (Burton, 2003; Ledwith, 2011).

This research found that this impact in relation to community justice was felt by those working in the field, who reported on the frustration about the sustainability of innovations in justice, and those who expressed cynicism about such innovations (see Chapter 7, section 7.1). These experiences of both 'community' and 'justice' lent themselves well to social domain theory, where *psycho-biographical* (individual) accounts of crime, anti-social behaviour and the processes of justice revealed the relationships between each social domain. This was observed as *situated activity*, represented by regular interactions within the community as a public space, and third sector service provisions to help victims and offenders. More formal mechanisms to deal with crime and anti-social behaviour occurred in *social settings*, represented through organised, hierarchical activity, such as problem-solving approaches utilised by the Teesside Community Court, neighbourhood policing teams and within restorative practice arrangements. These activities attempted to engage local residents to be part of the solution and reparative process, as well as to instil a sense of responsibility for their community safety (see Chapter 6, section 6.2). However, all of this needed to be understood in light of the influence of *contextual resources*, represented as broader structural economic conditions, access to the amenities and commodities of community life, along with

central government decisions which affected the experiences of community justice in Middlesbrough.

There continues to be a focus on 'community' as a basis for policy making (Schiff, 2003; Faulkner, 2003; Hughes, 2007), which for some is problematic and, indeed, futile (e.g. Pease, 1994), but for others, it is worth the attempt, despite it being contestable to be used in this way (Hughes and Rowe, 2007). As suggested by Mair (1995), the use of 'community' in social policy gives it significance beyond its 'normal everyday meaning' (p463). Therefore, it is important to better understand how crime, anti-social behaviour and broader socio-economic features of any given location affect the experiences of 'community' (see Chapter 2, section 2.1). The *psycho-biographical* accounts of what 'community' could be correspond to social capital theory, where 'active and willing citizens...work together within a participative community' (Leonard and Onyx, 2007:23). They also aligned with social cohesion, which requires reciprocal relationships of trust and consensus (Sampson, 1991, 1993; Hirschfield and Bowers, 1997; White, 2003) (see Chapter 2, section 2.3). Participants in this study referred to community as a place where citizens 'pull together' and look out for each other, with a tolerance and understanding of each other's needs. For some, there was a real affection for where they lived, expressed as a genuine desire to remain and retain what was often referred as 'community spirit' (see Chapter 6, section 6.1). In addition, deprivation and social problems did not seem to be as disruptive to their sense of community, compared to crime and anti-social behaviour. Mead (1918) presented the response to violations of laws and social norms as a means to unite citizens in 'emotional solidarity' (p591) and bring about cohesion, in the form of 'ties that bind' (White, 2003). However, *situated activities* represented as informal social controls may not occur in response to crime, and instead, such violations could reaffirm the need for repressive law and order policies (Cotterell, 1999). This would be presented as necessary to avoid what Durkheim (1960) referred to as 'permanently unsettling' a community.

For radical communitarians, there is a need to understand the diversity of community life and the need for policies to promote tolerance and accept what Hughes (2007) refers to as the 'late modern realities of living together' (p12), especially in urban environments. The different experiences, prospects and circumstances for citizens again raise the question of the efficacy of using community as a foundation for policy, as found in crime prevention strategies



(Halpern, 2001) and 'active citizenship' policies at the heart of New Labour's Third Way approach (Giddens, 1998) (see Chapter 2, section 2.5). According to Putnam (2001), it is the absolution, or the extrication from obligations and social responsibilities which undermines cohesion and specifically, levels of social capital. Perhaps as Demos (2002) suggests, this is a symptom of the increased use of private services in transport, health and education in reducing informal interactions and reliance on others. More radical theorists look at broader economic and social structures which impact community life, such as persistent inequalities leading to social exclusion and loss of ability to participate in community life (Hughes 2000). This is also attributed to the conditions of 'city life' as linked to citizens' disengagement, withdrawal and consequently, hostility towards each other (Young, 1999). However, for participants living and working in Middlesbrough, anti-social behaviour was reported as a more persistent problem, requiring a more effective intervention from state authorities, as it impacted on the place where they wanted to feel safe and where they felt entitled to do so. While for those working within the police saw this as a 'wakeup call', it was interesting how responsibility for addressing anti-social behaviour and low-level crime was still very much placed as the responsibility of the state. Participants referred to the impact of economic inequalities and deprivation, but there seemed to be an acceptance of this as part of the history and current narrative of life in Middlesbrough (see Chapter 6, section 6.1.2).

For many participants, providing forums for consultation to identify problems and the use of dialogue with offenders in the community court represented attempts to solve the problems associated with crime and disorder. For some, a visible and accessible focal point was necessary, for others, the use of social networking offered a viable alternative (see Chapter 7, sections 7.1 and 7.2). The value of having a focal point has been examined in terms of the delivery of community safety through crime prevention (Maguire and John, 2006) and community courts (Llewelyn-Thomas and Prior, 2007; Mair and Millings, 2011). However, while these opportunities for participation in local life and developing a productive relationship with state agencies may be valued by citizens, this does still seem to shift focus away from the obligations of the state to deal with what Young (1999) and Fraser (1997) referred as the need for wholesale structural changes to transform communities. To present justice as a 'stabilising force' in communities (Rawls, 1971) requires that all residents have equality in accessing resources, amenities and support from the state, so that community becomes a

place in which informal social controls can maintain safety and prevent crime (see Chapter 3, section 3.1).

It is also important to discuss here that among some participants, there was cynicism expressed about the ability for community justice initiatives to bring about cohesion and transform the lives of local residents. The history of Middlesbrough is one of industrial decline, long-term unemployment and economic inactivity, when compared to national averages (Worthy and Gouldson 2010; ONS, 2011; Menzies, 2011). Those working in the third sector and as community justice practitioners referred to the broader problems local residents faced and understood the lack of enthusiasm for initiatives to help offenders, given the broader challenges which exist. Hancock (2001) observed that new service industries and those making use of new technologies are often located in larger cities, which have the necessary infrastructure and can attract new businesses. In addition, connections to international travel and global enterprise are firmly based in the south east of England, meaning the North East and other regions lose out on such prospects, as reflected in the recent history of the region (Menzies, 2011). In Middlesbrough, household crimes have been reported as higher than the national average, in a region with the lowest average house prices, and also high rates of unemployment (Worthy and Goldson, 2010). This is also a community which has been changed by trends in the population, which is ageing and also experiencing a decline in the number of young people who wish to remain (*ibid*). In a climate of austerity, ageing populations place a burden on social and health care services, while schools, colleges and other services experience a decline in use. Middlesbrough also faced a recent influx of asylum seekers, as a result of an agreement between the local council and G4S, to utilise vacant housing and disperse these groups away from more populated areas. These changes were observed by residents and also those working in Middlesbrough and seen as disruptive to their sense of community spirit and unity, specifically to safety, security and concerns about the immigrant groups' integration (see Chapter 5, section 5.2).

The ONS Census data for 2011 presented useful context to understand life in Middlesbrough, to show the impact of the loss of industry and sustained inequalities. While there were efforts made to replace the steel and coal mining jobs, it was clear these new industries represented less secure employment and required re-training for those who had relied on manufacturing jobs. This not only changed the prospects for individuals, but also affected the places in which

*situated activities* attached to the workplace could occur. An important focal point for the community was removed with the loss of the Redcar Steelworks, and workers would find themselves dispersed to different areas to seek alternative employment. The economic decisions made represent the domain of *contextual resources* and must be considered in any assessment of community life. Their impact will be widely felt, especially if there is a lack of alternative opportunities and prospects to cope with such big changes, disrupting the experience of community life.

Alongside the views of community as reinforcing moral values (Etzioni, 1995) or reflecting a need for the tolerance of diversity (Jordan, 1996), responsive communitarianism theory suggests citizens can maintain their self-identity through avoiding excessive state controls. They advocate the development of informal social controls through family, schools and other connections to develop morality and responsibility. An additional perspective on this is presented by Hopkins-Burke (2014b) who suggests that radical moral communitarianism will be more useful in developing a consensus and a balance between rights and responsibilities. Collective efficacy provides a means by which to understand how citizens work together to solve problems, such as setting up Neighbourhood Watch schemes to prevent crime and instil feelings of safety (Halpern, 2001; Silverman and Della-Giustina, 2001). There are parallels here with the aims of community justice and social capital and cohesion, to develop informal social controls, support for all citizens and shared goals (Coleman, 1990; Putnam, 2001) (see Chapter 2, sections 2.3 and 2.4). However, as Lacey and Zedner (1995) suggest, when policing is conducted in partnership with the local police service and citizens who wish to co-operate with them, there can be a therapeutic quality to civilian policing which implements informal social controls. Certainly, among police officers interviewed in Middlesbrough was a recognition of the value of directly addressing the problems which residents felt were the most important and also dealing with residents' fear of crime and perceptions of risk.

Given the issues raised above about dealing with crime and anti-social behaviour and the demand for justice to be done, rather than problems to be solved, it was necessary to examine Garland's (2001) responsibilisation thesis (see Chapter 3, section 2.5). According to Garland (*ibid*), this responsibility must extend to non-state actors and organisations, which has been underpinned by legislation such as the Crime and Disorder Act (1998) and the

Police Reform Act in 2002. Formalising partnership working in this way used terms such as 'community' and 'engagement' as a 'feel-good factor' (Hughes, 1998). It also placed decisions for determining priorities and targeting resources at a local level, and for local residents to be part of this process. Practitioners in Middlesbrough valued outreach work, to inform local residents about innovations in justice and also to counteract some of the negative and unhelpful press reporting of court cases and policing operations. This was important, to promote the pioneering spirit of this innovation and offer mechanisms to help citizens feel included in the process of justice (Annison et al, 2013) (see Chapter 3, section 3.5)

Local news stories reinforced the sense of belonging and community spirit expressed about Middlesbrough and North Ormesby, recognising its status as a working-class area, with a 'big heart' (see Chapter 6, section 6.1.1). The report and findings from local residents also referred to the sense of familiarity generated by interactions with each other, despite the broader challenges they faced. However, local press would also present problems created through homelessness as a threat to safety which needed to be removed. These may represent an example of the shared values required for cohesion, which place perpetrators of crime and anti-social behaviour as excluded from those residents who are motivated to keep their community safe. This process is described by Faulkner (2003) as 'mutual obligation and respect' (p.291), but clearly, if some are not included in these relationships, there will be very different *psycho-biographical* narratives of community life. Wealth and prosperity were not cited as necessary for a sense of community and consensus to occur, indeed, for some, this would present a barrier and reduced the likelihood of residents getting to know neighbours and others outside their immediate family. Such interactions would occur by those accessing public transport and other amenities, where those with the means to do so, would exclude themselves from these opportunities through private ownership of cars and other services they required (Demos, 2002; Dorling and Rees, 2003) (see Chapter 2, section 2.2).

## **8.2 Problem solving approaches in the community**

Community justice aims to bring criminal justice agencies and citizens together to address local problems (Karp and Clear, 2000; Wolf, 2007; Hine 2014), therefore, understanding how this occurs and also how such aims can be impeded is important. Understanding attitudes of citizens in relation to the justice system (Bottoms and Wilson, 2004; Tonry, 2004; Jackson et

al 2009), particularly in communities facing higher levels of crime (Hope and Shaw, 1988), is important when attempting to implement responses to crime which shift away from punitive and retributive forms of justice (see Chapter 3, section 3.1). The visibility of crime and disorder is also clearly an important issue (Hancock, 2008), emphasising how 'quality of life' offences which community justice aimed to address can have a significant impact on citizens' attitudes to justice and their relationship with the state. In communities which could be labelled as 'criminal' or even 'pathological' (Young, 2002) due to visible signs of disorder, tensions between citizens and the inequalities which limit their prospects, will no doubt be barriers to introducing policy to encourage active citizenship and working with the state to deliver justice. Justice needs to be considered as more than a response to violations of the law, to consider it as a means to change offending behaviour and repair harms (Nellis, 2000), especially if it is to have a unifying effect on communities (Mead, 1918; Rawls, 1971).

In the USA, the community justice movement is seen as a response to the over-centralisation of justice and the need to allow CJS professionals to focus on local problems (Berman and Feinblatt 2001; Mansky 2004), using restorative justice in community settings, which requires a delegation of power from central courts (Braithwaite, 2003). It encompasses a problem-solving approach, employing specific measures which treat crime as a 'series of problems to be solved' rather than a 'contest to be won' (Karp and Clear, 2000: 328). With the focus on local problems, there is a need to assess crime and disorder in terms of type and prevalence, to target resources and also to understand what citizens' see as a priority, that they might then develop more confidence in the ability of the CJS to address problems (Taylor and Harrell, 1996; Sherman, et al, 1997) (see Chapter 3, section 3.2).

Problem solving approaches used in courts offer a new way to do justice, in an arena which needs to be fairer, more innovative and victim focused. A court is a focal point and place of authority, a setting where compliance and monitoring of offenders can take place, as an important part of the justice process (Bowen and Whitehead, 2013). In addition, with problem solving comes the step of engaging in dialogue with defendants, which was seen as a very important and positive aspect among magistrates. This and other processes fit with the core principles of problem solving court, in getting enhanced information from defendants to make informed decisions, to being more accountable to the community and their sense of justice, and requiring collaboration with other agencies to address defendants' needs (Wolf, 2007;

Donoghue, 2014). There was a real need to shift from sole focus on the sentencing guidelines and consider a more individualised justice approach (*ibid*) to secure more effective outcomes and improve the perceptions of the courts. The courtroom in community court models seemed to shift from adversarial contests to a place of ‘therapeutic jurisprudence’ (Ward, 2014), where defendants could begin to see themselves as part of a community rather than a nuisance to it and where justice becomes ‘socially meaningful’ (Donoghue, 2014: 141) (see Chapter 3, section 3.5).

Engaging with policies which were not retributive but reflected restorative approaches to dealing with offenders was embraced by those practitioners who had been involved in the process and seen positive results. These accounts of effectiveness were also presented by those speaking on behalf of victims of crime. The processes of reparation and restorative practice claiming to increase social capital and cohesion is problematic, not least because of the emotive issues raised by crime and the continued marginalisation of offenders. This was evident in policing approaches in Middlesbrough which advocated removal of problems, such as homeless people. It was also a concern raised by magistrates and other staff working in the courts, that media representations of community sentences were distorted by a lack of context and calls for retributive justice. It was made clear that this also undermined the efforts to engage local residents through outreach work, to inform them of these new innovations, where *situated activity* and *social settings* once again combined to change the *psycho-biographical* experiences of justice being done. In this case, *contextual resources* are represented by media representations reflecting popular opinions about crime and justice and continuing to promote a need for repressive and punitive responses to crime. Media reporting is viewed as an obstacle to increasing participation in crime and justice issues on a local level, through irresponsible reporting which contributes to existing suspicions and fears among citizens (e.g. Cohen, 1985; Jewkes, 2011), reinforcing views that participation in addressing the needs of victims and offenders poses a risk and should remain as the responsibility of the state (Hough and Roberts 2004a/b) (see Chapter 3, section 3.1 and Chapter 6, section 6.2.2).

The diversity found in any given community also presents a challenge, where there is a need to harness and manage the range of cultural, religious, ethnic beliefs and norms, along with socio-economic circumstances, which can translate into competing interests and needs (e.g.

Parekh, 2000; Hughes, 2007). Without understanding this, those working under the remit of community justice can inadvertently exclude those who do not immediately engage or have an opportunity to participate, whether as ethnic minority groups facing language and cultural barriers, vulnerable members of a community who are unable to express their needs or are targeted as the cause of social problems, or simply those who prioritise family life and work, until a need for help arises (Karp and Clear, 2000). All of these issues were raised by participants, referring to local concerns about new residents moving in and causing problems, and also the lack of integration of recent immigrant groups. The study by Webster et al 2014, which referred to the 'ghettoisation' of working class areas of Middlesbrough demonstrated this as a consequence of rapid de-industrialisation, which was corroborated by participants who recognised that residents faced a multitude of problems, and an erosion of their sense of community (see Chapter 5, section 5.2).

Additional concerns about community justice refer to the widening net of social control (Foucault, 1977, Cohen, 1985), with a more contemporary analysis from Skinns (2007) referring to this as the 'tentacles of the state reach(ing) deeper and deeper into the social fabric to re-balance power' (p.4). It is also represented by the commodification of safety and security through private sector provisions. The Transforming Rehabilitation agenda has formalised the inclusion of the private and third sector in the management of offenders, a process which began with managerialist approaches manifest in New Labours 'Third Way' approach (Giddens, 1998; Garland, 2001). Among those working in the field of community justice, the uncertainty and state of flux they often found themselves in, through seeing initiatives come and go was frustrating, and explained the struggles they had in engaging local residents with these innovations (see Chapter 3, section 3.6 and Chapter 6, section 6.2.2). The role of partnership working is also discussed in the context of responsibility, and as necessary for problem solving approaches, as shown in Skinns' (2007) research into Crime and Disorder Reduction Partnerships. In Middlesbrough, among the local police was a concern about the under-reporting of crime and anti-social behaviour, in the sense that the police could act and could be the first port of call to resolving issues. Certainly, those working to support victims relied on referrals by the local police as did those in restorative justice organisations. Despite concerns expressed on reach of the state and the culture of control to address crime (Foucault, 1977; Cohen, 1985; Garland, 2001; Skinns, 2007), for participants

in this study, there was still a need for the state to act as a catalyst for action to resolve problems.

The problem-solving approaches of the courts were valued as a way to reduce re-offending, and it was important that this included monitoring compliance with a court order. This presents an example of the reciprocal relationship between defendants and the courts, to understand their role and responsibilities in achieving and maintaining desistance. It also provided a way for magistrates to be clear to residents that this approach was implemented within the legal requirements of the justice system, and that there would be consequences for non-compliance. The use of sentencing to transform the lives of defendants in this way has raised concerns about overloading and risking non-compliance, as well as uptariffing (Mair et al, 2007) to be seen to deliver justice even for low level offences, or 'petty irritations' (Garside, 2006) (see Chapter 3, sections 3.1 and 3.6). However, given that such irritations reflected offences which affected local residents' quality of life, the need for something to be done was clear.

The need for justice to be effective, therapeutic (Ward, 2014) and socially meaningful (Donoghue, 2014) was clear, to present justice as a way to achieve long term solutions to problems and not simply displace them. The value attached to problem solving approaches and restorative practice was clear as a new way to deliver justice (see Chapter 7, sections 7.1 and 7.2). There were some challenges to implementing such innovations, in part due to concerns about sustainability, effectiveness in comparison to public perceptions of justice and how to manage expectations. However, it was also clear there were more significant issues to deal with when considering the aims of community justice to bring about cohesion, whether through solving problems or repairing harms. There are some ambitious expectations to manage, and they revealed the scope of community justice approaches as constrained by broader socio-economic conditions, represented by *contextual resources*. The need for transformation for victims and local residents was also clear, to deal with persistent problems with anti-social behaviour, to improve overall quality of life and establish the local community as a safe place to live. The ability for community justice to then also deliver on promises to address more significant issues serves as a reminder for the need to contest the feasibility of such promises, in communities which have faced persistent inequalities, high rates of long term unemployment and a lack of prospects for change.



### 8.3 Reflections on the contributions of this thesis and further research

This thesis has presented an examination of the concepts of ‘community’ and ‘justice’, as they are understood in theory, policy and practice. Adopting a case study of Middlesbrough as a place in which various community justice initiatives are implemented, enabled an analysis of the findings through the lens of Layder’s (2006) social domain theory. The four domains of *psycho-biographies*, *situated activity*, *social settings* and *contextual resources* embrace the complexity of studying community and community justice, and emphasise the need to understand the relationship between these domains. It was important to first of all examine definitions of community, and also of community engagement. The former represents a foundation for policy which denotes a response to local problems, such as crime and anti-social behaviour. The latter is represented by the efforts of state agencies to instil responsibility in local residents to be part of the solution to problems, and to allow policy makers to build on existing networks between residents, the state and third sector organisations. The examination of these terms reiterates the need to understand community as comprising four social domains, especially when it is adopted by policy makers.

The analysis of community justice initiatives and the experiences of this in Middlesbrough also emphasised the need to understand *psycho-biographical* experiences of justice in the community, as it is implemented through *situated activity*, *social settings* and impacted by broader *contextual resources*. The lack of attention paid to this latter domain is reflected in the limited scope of community justice initiatives, which contradicts their claims to bring about cohesion and transform the lives of offenders, victims and local residents. A case can be made for the value and efficacy of problem solving approaches in the courts, police service and as part of restorative justice arrangements, and this was supported by participants in this study. However, the challenges in the implementation of innovations in justice are apparent and persistent, as such innovation cannot overcome embedded inequalities, established practices in the justice system which are widely accepted, and the constantly shifting priorities of local and central government. The impact of this results in an approach to crime and anti-social behaviour in the community, which is characterised by a lack of identity, uncertainty and unsustainability, and therefore, undermined as an alternative to justice as represented by a ‘day in court’ and a custodial sentence.

The top-down governance of community justice initiatives makes such initiatives an easy target for news reporting to highlight inconsistencies and present such innovations as ineffective and inadequate as a response to crime. Such reporting also places responsibility for dealing with crime and disorder with the state, presenting an additional barrier to attempts at community engagement and generation of social cohesion in unity against harm. However, these issues must not deflect from both the need for a change and also the potential of problem solving and restorative measures to maintain community safety and arguably to offer a starting point for transformative justice. The findings emphasise the need to better understand how social and economic conditions can affect the implementation of innovation in justice. There is also a clear need to understand citizens' perspectives on these processes, and also on where responsibility for managing the impact of crime and anti-social behaviour at a local level lies. The lack of investment in justice and public services only seeks to further undermine the ability of practitioners, volunteers and local citizens to come together to resolve problems associated with crime and anti-social behaviour, as the very resources required for social capital and social cohesion to thrive are stripped away in an age of austerity. This study took place during the implementation of courts which offered problem solving approaches, however, as the research continued, it was clear this investment wasn't going to be sustained. Once again, justice being done in a community setting was to remain on the periphery of a criminal justice system and a political ideology which reinforced justice as punishment, deterrence and a violation which needed a punitive and repressive response.

There are clear limitations to this research (see sections 4.3.2 and 4.7), which also require acknowledging here. These limitations reflect the need for more proactive approaches when accessing participants and to prioritise this over concerns about shifting from the overall sampling approach, within reason. Selective sampling is an important fit for some studies, i.e. to ensure research maintains its focus on aims and data collected can contribute to this. However, when examining broad concepts such as community and justice, it is important to acknowledge that a broad range of participants can offer a useful contribution, in this case, including those not deemed as directly engaged with processes relevant to community justice. To that end, this study needed more time to deploy proactive measures to increase the sample of residents, as they would have had an interesting perspective on life in 'Doggy' and the surrounding area. This reinforces the need to have a realistic plan and timeframe of what needs to be achieved when designing a study, reflecting Layder's (2006) assertion of

the need for a 'scaffold' for the research design. However, it is also important to review these decisions and consider adapting the sampling approach, to avoid exclusion of potentially important experiences.

To acknowledge these limitations and also expand our understanding about how to manage crime, anti-social behaviour and other social problems at a local level, further research needs to continue to focus on the impact of broader socio-economic conditions and political ideologies which inform policy and practice. There also needs to be continued focus on the public understanding and experiences of justice, and how this effects views about the responsibilities and expectations of both local people and the state, to deal with crime and anti-social behaviour. This research has examined and highlighted some of the issues which face policy makers and practitioners attempting to find new and more effective ways to do justice and improve the quality of life and safety in communities. These challenges demonstrate a need for both citizens and the state to shift their understanding of justice from responses which divide communities and are limited to management, control and displacement, towards the potentially transformative and restorative qualities of community justice initiatives which demonstrate that crime and anti-social behaviour are indeed problems which can be solved. There is scope for further research to examine, through social domain theory, accounts of community life and the processes of community justice for those groups not included in this study. Age, gender and ethnicity present important variables by which to compare experiences, to present a comparison of different perceptions and beliefs about how justice should be done, as well different accounts of community life. As an interesting aspect to the role of the third sector in community justice initiatives, a study of faith-based organisations would be useful, given their role and status in many communities, as an important focal point. It is also important to understand and examine the role of emotions in perceptions of justice and how this translates into community engagement (Layder, 2006; Canton, 2015). This reflects the need to understand this in the context of the complexity of the experience of 'community', especially when dealing with the impact of crime and anti-social behaviour. As this can represent a disruption to the sense of belonging, consensus trust and reciprocity, and given this is what community justice claims to build on and create, the feasibility of this clearly needs to be better understood.

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## APPENDICES

### APPENDIX A: Consent form

# CONSENT FORM

## COMMUNITY JUSTICE IN MIDDLESBROUGH

**RESEARCHER: SUSIE ATHERTON, DE MONTFORT UNIVERSITY**

**BEFORE SIGNING THIS FORM PLEASE READ THE ATTACHED PROJECT  
INFORMATION SHEET**

Please follow the instructions below and indicate if you consent to take part in this research:

- I have had the study explained to me and understand my involvement in it.
- I have read the project information sheet and understand what this process will involve
- I understand that my rights are I can withdraw my involvement at any time and all my data will be kept securely and anonymised in the published research. If I decide to withdraw from the study all my data will be safely destroyed.
- I agree to take part in this study

Name:

Signature:

Date:

**I confirm I have explained the purpose of the research study and have informed this participant of their rights:**

Signature of the researcher:

Date:



## APPENDIX B: INFORMATION LEAFLETS

For community justice professionals

**What does community  
justice mean to you?**

**How does crime affect your  
community?**

**WOULD YOU LIKE THE OPPORTUNITY TO HAVE YOUR  
SAY ABOUT HOW CRIME AND JUSTICE IS DEALT WITH  
LOCALLY?**

### Research into community justice initiatives

Susie Atherton, a senior lecturer at De Montfort University in Leicester is conducting research for her PhD thesis in community justice and is very keen to speak to those working in this field. The interviews will involve discussion of your role and perceptions of community justice initiatives and any other local issues you think are important.

### What is community justice?

Community justice is a range of responses to crime and disorder, which is based in the local community which includes policing, dealing with offenders and victims and restoring the harm caused to communities.

### How will my views help?

As a professional/volunteer working within this field, your views will contribute to understanding the impact of community justice and also of the area in which you work and live.

### What will happen if I agree to take part?

You will have a one-to-one interview (approx. 30 minutes) with the researcher where you will be asked some set questions and also for anything else you think is important relating to your experiences. With your permission and consent to take part, your interview will be digitally recorded.

Your data will be kept in a secure place. To take part, the researcher will ask you to sign a consent form, but even after you have done this, you can withdraw your involvement *at any time*. You can also view a transcript of the answers you give, therefore your contact details (name and address/email) will be kept but they will not be published or used for any other purpose. They will be kept in a secure place at De Montfort University.

The venues for the interviews will be arranged directly with you in your work place.

**If you wish to take part please  
contact.....or, the researcher Susie  
Atherton directly, on 07526503068 or email  
([satherton@dmu.ac.uk](mailto:satherton@dmu.ac.uk)).**

For local residents

# What are your views on crime?

Do you think more can be done to make your community safer?

WOULD YOU LIKE THE OPPORTUNITY TO HAVE YOUR SAY  
ABOUT HOW CRIME AND JUSTICE IS DEALT WITH LOCALLY?

## Research into community justice initiatives

Susie Atherton, a senior lecturer at De Montfort University in Leicester is conducting research for her PhD thesis in community justice and is very keen to find out what you think about crime and how it is dealt with where you live. The interviews will ask you about your experiences of crime and disorder and your local community.

## What is community justice?

Community justice is a range of responses to crime and disorder, which is based in the local community which includes policing, dealing with offenders and victims and restoring the harm caused to communities.

## How will my views help?

As a resident in TS1/TS3 your views will contribute to understanding the area in which you live and how crime and justice is dealt with.

## What will happen if I agree to take part?

You will either have a one-to-one interview (approx. 30 minutes) with the researcher where you will be asked some set questions and also for anything else you think is important relating to your experiences. With your permission and consent to take part, your interview will be digitally recorded.

Your data will be kept in a secure place. To take part, the researcher will ask you to sign a consent form, but even after you have done this, you can withdraw your involvement *at any time*. You can also view a transcript of the answers you give, therefore your contact details (name and address/email) will be kept but they will not be published or used for any other purpose. They will be kept in a secure place at De Montfort University.

The venues for the interviews will be arranged directly with you in a public space appropriate for safety of the participant and researcher.

If you wish to take part please  
contact.....or, the researcher  
Susie Atherton directly, on 07526503068 or email  
([satherton@dmu.ac.uk](mailto:satherton@dmu.ac.uk)).

## **APPENDIX C: Interview schedules**

### **Communities, justice and cohesion study Interview schedule (version 1) – Community justice staff August 2012**

1. Tell me about your role
2. Can you give me some examples of community based initiatives to address crime and disorder?
  - a. What is in place to manage offenders?
  - b. What is in place to support direct/indirect victims of crime?
  - c. What do you view as the key aims of community justice?
  - d. What in your opinion, is the public perception of dealing with offenders in the community?
3. Can you tell me about the other agencies, organisations and groups of people you work with?
  - a. Within the Criminal Justice System
  - b. Within the voluntary sector
  - c. With local residents
4. Are there any challenges working with others?
5. What do you see as the benefits of working with others?
6. Tell me what you see as the features of a cohesive community.
7. Tell me what you see as the features of a fragmented community.
  - a. How is this affected by access to amenities, tensions in the community, physical environment
8. Can you give me your perceptions of the TS1/TS3 area, in terms of the populations who live here, crime rates and other important features?
9. What would engage residents with lending their support and resources to dealing with crime and disorder? Have you observed examples of this?
10. What do you think hinders residents and others getting involved in addressing local crime and disorder issues? Can these issues be overcome?

**Communities, justice and cohesion study**  
**Interview schedule (version 2) – Community justice staff**  
**August 2012**

1. Tell me about your role
2. Can you give me some examples of community based initiatives to address crime and disorder?
  - a. What is in place to manage offenders?
  - b. What is in place to support direct/indirect victims of crime?
  - c. What do you view as the key aims of community justice?
  - d. What in your opinion, is the public perception of dealing with offenders in the community?
3. Can you tell me about the other agencies, organisations and groups of people you work with?
  - a. Within the Criminal Justice System
  - b. Within the voluntary sector
  - c. With local residents
4. Are there any challenges working with others?
5. What do you see as the benefits of working with others?
6. Tell me what you see as the features of a cohesive community.
7. Tell me what you see as the features of a fragmented community.
  - a. How is this affected by access to amenities, tensions in the community, physical environment
8. Can you give me your perceptions of the TS1/TS3 area, in terms of the populations who live here, crime rates and other important features?
9. Are you aware of voluntary services which aid community justice initiatives?
10. What would engage residents with lending their support and resources to dealing with crime and disorder? Have you observed examples of this?
11. What do you think hinders residents and others getting involved in addressing local crime and disorder issues? Can these issues be overcome?
12. Is there anything more you would like to add? Do you have any specific ideas about how to address crime and disorder locally?

## **Community justice study - Interview questions – Volunteers**

**May 2014**

1. Tell me about your community and where you live.
2. Tell me your views about criminal justice agencies like the police, courts, prisons and probation.
3. Do you know anything about community courts?
  - a. What do you think community justice / community courts / contribute to reducing crime and disorder?
4. Can you give me examples of any community based initiatives to address crime and disorder you have been involved with?
  - a. For offenders?
  - b. For direct/indirect victims of crime?
5. What are the benefits about working with others?
6. What are the challenges when working with others?
7. What do you think would engage residents with lending their support and resources to dealing with crime and disorder? Have you observed examples of this?
8. What do you think hinders residents and others getting involved in addressing local crime and disorder issues? Can these issues be overcome?
9. Is there anything more you would like to add? Do you have any specific ideas about how to address crime and disorder locally?

## **Community justice study - Interview questions – Volunteers**

**May 2014**

1. Tell me about your community and where you live.
2. Tell me your views about criminal justice agencies like the police, courts, prisons and probation.
3. Do you know anything about community courts?
  - a. What do you think community justice / community courts / contribute to reducing crime and disorder?
4. Can you give me examples of any community based initiatives to address crime and disorder you have been involved with?
  - a. For offenders?
  - b. For direct/indirect victims of crime?

**IF YES:**

5. What are the benefits about working with others?
6. What are the challenges when working with others?

**ALL RESIDENTS:**

7. What do you think would engage residents with lending their support and resources to dealing with crime and disorder? Have you observed examples of this?
8. What do you think hinders residents and others getting involved in addressing local crime and disorder issues? Can these issues be overcome?
9. Is there anything more you would like to add? Do you have any specific ideas about how to address crime and disorder locally?

## APPENDIX D: List of participants

### COMMUNITY JUSTICE STUDY – INTERVIEW PARTICIPANTS

NUMBER	IDENTIFICATION CODE	INITIALS	ROLE
24.	MCC1	CF	Magistrate in Community Court
25.	MCC2	IG	Magistrate in Community Court
26.	MCC3	GH	Magistrate in Community Court
27.	PINPT	SJ	Inspector – lead on Neighbourhood Policing
28.	PCOMM	AP	Police/Community Liaison
29.	PROB1	JT	Probation officer
30.	PROB2	RR	Probation Manager
31.	PSGTNPT	JW	Sergeant – Neighbourhood Policing team leader
32.	PC	HM	Neighbourhood Policing Team
33.	PCSO1	GJ	Neighbourhood Policing Team
34.	PCSO2	RB	Neighbourhood Policing Team
35.	VSV1	MG	Victim Support volunteer 1
36.	VSV2	SH	Victim Support volunteer 2
37.	VSS1	RN	Victim support staff
38.	VSV3	SP	Victim support volunteer 3
39.	VSV4	AW	Victim support volunteer 4
40.	VSV5	MB	Victim support volunteer 5
41.	VSV6	SM	Victim support volunteer 6
42.	RJ1	MJ	RJ mediator
43.	CCMGR	DE	Community centre manager
44.	LR1	DH	Local resident 1
45.	LR2	CP	Local resident 2
46.	LR3	AM	Local resident 3

## APPENDIX E: Examples of transcripts

### Community Justice Study

#### Research fieldwork – August 2012 Interview – MCC1 (CF)

(Box 1, Message 1, Sanyo recorder)

Transcript

SA: If you have any questions about the research please email me, contact me or ask me at the end of the interview

MCC1: Yes

SA: Just so you know this is for my PhD Research your details are not going to be published, its just going to be used for that, so I'm not going to use your name, I'm going to keep these details just in case I need to contact you.

MCC1: Fine

SA: I will send you the transcript of the interview if you wish....

MCC1: Yes, it will be interesting to see it.

SA: OK, if there is any issue with it, if you wish to withdraw anything, that's fine and that is your right to do that. This is all just ethical information I need to go through....all the data is going to be securely stored at De Montfort University, no one else will have access to it.

I have a list of questions here, some of which we did cover in April, so there might be some repetition here, but it wasn't recorded.

Ok, tell me about your role.

MCC1: I am bench Chairman here at Teeside Magistrate Court, and that means I'm responsible for a number of things, the smooth running of justice, I am the first point of call if any of the bench members, if any of the magistrates, we have about 268 magistrates, if any of the magistrates have a query or a problem, it could be a legal matter, it could be a pastoral matter such as somebody said something which they are a bit unhappy about, a number of things. I have to liase with all the partner agencies within the building, so that's people like probation, youth justice, defence solicitors.

I also have to liase and work with outside agencies, in particular the criminal justice board, youth justice board, voluntary agencies, you name it I will talk to them...at the moment there is a lot of attending meetings to do with the upcoming elections for the police and crime commissioner, which is going to be a big shuffle, reshuffle kind of



thing....so our.....crikey, I'm just trying to think what our remit is...its very wide, its something new every, as well as I am a magistrate.

SA: And so how much of your time is spent being a magistrate?

MCC1: Right, that easy....we have to do a minimum of 26 sittings every year and the sittings are a morning or afternoon, so I have to meet my minimum, but also because I'm a court chairman – the court chairman is the person who sits in the middle of the bench – because I am court chairman, sittings to maintain the (????)....also sittings for the youth court as chairman...so you have to do additional sittings for the youth magistrates and as a youth court chairman, you have all those extra sittings. We all have different rotas depending on what our different function is...we also do what is called a random rota, before it was a set rota where you sit every Tuesday fortnightly, we now have a random rota where you could be sitting on a Thursday, in two weeks time I sit for morning and the following week I could be in for two days.....

SA: Difficult to plan ahead, do you know far in advance?

MCC1: We get a form to fill in September/October time where we have to explain our day preferences, frequency and what dates we are not available, all of this is fed into a computer.

SA: OK, could you give me some examples of what you described as community based initiatives to deal with crime and disorder which you have come across, implemented, developed.....

MCC1: Er...a number of things, we work with the community and with probation to get suggestions within the community for unpaid work, so when people get a community order they can get an unpaid work requirement. Not everybody is eligible for unpaid work they may not be physically fit, suffering from depression, they may be drug users so there is all sorts of things and criteria that have to be met. Anyway, it is pay back to the community. There are rules obviously about what the project can be, it mustn't take away work which could be somebody's job, so not something the council could do. But often there are projects which private organisations need doing they provide the materials and probation provide the labour. The community really like that because the people doing the unpaid work have to wear high vis vest so there are very visible, there was a lot of talk about those doing unpaid work should they be doing in the area they live, it could be embarrassing or humiliating for them. There are two schools of thought, some say well tough if you can't do the time, don't commit the crime kind of thing and other people are saying no you shouldn't because they might go to school in the area, or perhaps we saw your dad the other day he was cleaning graffiti kind of thing.

There are other community initiatives we brought in, now would you call it that.....problem solving initiatives

SA: Yes?

MCC1: We brought in an initiative where people are likely to get a fine or a discharge because we realised with the grades of sentencing we use, if it falls within the category of either an absolute or conditional discharge, before we sentence them we

would ask them to have a word with the problem solver in court, who would take them through a list of questions because you realise that everybody who offends, there is some kind of trigger for it even if its you know, absentmindedness through stress and work or stress at home and they have shoplifted and they didn't mean to....so we would take them through this list of criteria to find out what the triggers are. Now you will rarely find somebody with only one problem, they have multiple problems, so they will speak to the problem solver, come back to court and address the court and say I have been able to identify this person is having problems managing debt, money, there are having problems with housing, at the moment they are living on friends sofas, sofa surfing, their father died six months ago and they have not got over that bereavement, so these triggers that cause this. Until you address those causes they will just continue to offend because they need the assistance. But that does help the community, often the kids are a nuisance in the community, if they are shoplifting or causing damage or people with aggression that can be addressed then we can address those problems and so help the community.

SA: So would that involve referrals to other agencies?

MCC1: There was the proactive thing, highlight the what they were and at the end the problem solver would have details of agencies and connections about a job, it could be the housing association to contact about a housing issue, it could be you know struggling with their mortgage, it could be who to approach to suspend payments. Often we find people who just don't know who to go for help...

SA: So is there a sense they may bury their heads in the sand?

MCC1: Yes, yes lots of people have that problem so it good to say go and talk to someone who can help, then they would rely....some areas of problem solving have resources to take them by the hand more and get them to that appointment, but we find if referred them, all bar one took it up – took up suggestions made and people have said to us, 'thank you so much, nobody has ever asked me what my problem was, nobody has ever cared really.

SA: So it is asking why and then presenting a possible solution

MCC1: Yes yes, and not sort of coming down heavy and saying you shouldn't be doing this, you shouldn't do drugs, but you know its not good for you so go and have a word with them and it's the first step hopefully to unravelling those problems.

SA: Is there a particular reasons or set of challenges that can be a barrier to problem solving approach?

MCC1: I suppose mental health is one of the hardest problems to deal with. We are launching a pilot project called Witness to Court and Profile Project and the idea there is that for people with mental health problems or learning difficulties who are either defendants, witness or victims and who may not have to come to court..or they are never going to withstand cross examination, or the defendants hasn't been able to withstand any sort of interview. Lots of case that come to the court, we are starting a profiling scheme whereby it would be flagged up at the police station, they would

then be 'profiled', it's a horrible word but it is really an interview, an explanation for the court about a person's difficulties. It could be all sorts of things, like they don't want to hold eye contact with you.

There was one instance where someone was frightened of beards so could staff with beards shave them or they didn't like men which is harder to cope with in the court, but if you can do things which assist them in giving their evidence and to achieve justice at the end of the day then we will do it.

People who have, who take a long time to think through their answers, you just have to be aware its not that they haven't heard you or don't understand, they are probably processing that question. Such as having a person with them to check they are ok, just ways of making these cases, ensure these cases go through and aren't difficult for people.

SA: I suppose learning difficulties like Aspergers can present as lack of social skills and looks sometimes hostile when they are just trying to deal with it.

MCC1: Yes it can have so many different ways of presenting itself and how....it can be difficult because it can be sterile and so fixed in our ways, the way we have done it for 100s of years. Even the terminology, things we don't think are terminology such as 'standing a case down' which for us is easy, we are just going to put it off for half an hour, or we are going to 'adjourn' and terms like 'bail'. So we really need to step back and think about these things and how people.....even nerves can cause difficult behaviour. So people with learning difficulties and mental health issues can present us with a problem because it is difficult to know why they offend, difficult to address re-offending, difficult to ...I say difficult...its not as straightforward as we are used to dealing with in court. Do they understand what has happened and what the outcomes are after court, so its very complex. We do expect people to fall into a pigeon hole, they don't and this is something we need to recognise.

SA: Mental illness in itself can make people unpredictable?

MCC1: Yes....but we have to accept there are people who are mentally ill, we are at extreme ends really, you know on the one had you have to kid gloves and take caution and want to give them a chance but on the other you have a responsibility to the general public. To ensure you are dealing with this and looking at the seriousness of the offence and looking in absolute full detail at the person before you. Now anything too serious would go to Crown Court and dealt with their but the pilot we are running also incorporates Crown Court as well. So yes, mental health issues are a problem.

SA: You have mentioned problem solving for witness and victims, is there anything else in place to help 'direct victims' but also indirect, such as the wider community affected by crimes?

We have made use of community impact statements which come from every ward in Middlesbrough so that the police gather them and write them and they are refreshed monthly. So the police are asking the community to bring issues to council meetings, so they are the community what the priorities are and they are wide ranging. So if for

instance there has been a spate of burglaries or anti-social behaviour by youths or whatever it is that is affecting that community it will be highlighted in the community impact statement. So if you get a case which falls into or is mention in the community impact statement you take that into account because obviously it is an issue with that particular community. I haven't had a chance to go through them, but for example

'[name or ward, Lynthorpe?] has over the last few months suffered an increased in vehicle crime and crime prevention advice has been given with respect to the public leaving personal property inside vehicle.'

So obviously the police are telling people, don't leave stuff where people can see it...but that is an example.

This is another from the university 'there is clear concern about students lack of knowledge and naivety when it comes to protecting their belongings around halls of residence and the number of pedal cycles they lock around the buildings. The main concern is lack of education for students upon coming to university, a lot of students unaware of the potential problems this creates.'

This can be negated somewhat with the necessary crime prevention advice but we do get students who have laptops pinched and it can sold on for a fiver or something but your heart sinks because it is not so much the laptop but the work which is on it, it breaks your heart. So working the police, working with the communities to try and address the issues and then feeding that into the statements and saying to them, as we have, saying you have got someone before you up for theft or handling the laptop and you try and make them see, you sold it for a fiver for drugs kind of thing but the impact you have had on this young person who spent three years on this work and its just soul destroying. And you can get through to people that way.

I don't know if that addresses the question.....?

SA: No, it has as when you are managing offenders in the community quite often the victims are managed separately and so getting across to the offender who thinks it just stuff, its just cash...

MCC1: Yes, we find if you can relate it to something they can understand, say if it criminal damage or its assault you can say 'how would you feel if that was your kid sister?' or your gran'? We had a fellow in, it was something to do with an animal and I said 'do you have any pets?' and he said 'yes I have got a dog?' and so I said 'how would you feel if someone had done this to your dog?' and you could see in his face he would be gutted and he could then relate to how the victim had felt.

SA: Is the courtroom a more effective place to confront people in this way, the police perhaps do this but does it have the same effect?

MCC1: No I don't think so, we do get out of people in court information that their families and defence solicitors have never heard before.

SA: Really?

MCC1: Yeah, I mean for some reason, they seem to feel either that figure of authority you have to...and its not everybody who show up, but for quite a lot of people the magistrate will answer a question honestly and we stuff out of them...especially in youth court and we ask family 'how do you feel about that?' and they say 'I never heard this before, I didn't realise it was like that.'

We had a kid in youth court last week up for a very serious offence and when I talked to him about it and when he talked about what had happened, I asked his solicitor 'where you aware of that?' and she said 'no he hasn't told me that' and if he had it would not have been a different plea but it was a case for a lot of mitigation and for such as serious offence, what we call grave crimes in youth court which can potentially go to Crown Court and get more than a 2 year sentence, it would have been 3 years and if she had known about it she would have put it forward as a reason to keep it in the youth court as he had been coerced by an older youth and threatened. So we hear a lot of things and we get a lot of information back which is coming out for the first time, it is quite astonishing. So the police talking to them about it, and this is no disrespect to the police, they wont say anything they will clam up to loved ones or they are embarrassed but they will bare themselves in court. This is helpful because the more we know the better we can deal with them.

It helps you understand the likelihood of that person responding to whatever sentence you are going to give them, gives you much more insight, you get sort of the whole package.

SA: You talked about 'community payback', which seemed to be liked by the public, have you notice other perceptions from people in the community?

MCC1: Public perceptions?

SA: Yes, about dealing with offenders in the community.

MCC1: Well primarily this is connected to community payback. I think you might find a lot of the public want offenders locking up, rather than serving their sentence in the community. A) they are worried about security having these people in the community, but they also tend to feel locking them up in prison is the best way to deal with it. But it isn't always the right sentence, it isn't always the sentence we can give and it isn't always the right sentence which is going to address re-offending. So a lot the public would prefer them to be locked up than on probation, which of course you get the 'slap on the wrist' terminology from the press, they were 'let off.....just with probation' but in fact a community order is not a soft option, particularly with an intensive order with a lot of requirements, it isn't the easy option. Some offenders would much rather go to prison...

SA: Well it can be a 2 year order or a shorter spell in prison, but then it is done?

MCC1: Yes, they have to talk about why they did it and how the victim feels and this makes them uncomfortable, and not only talk to their offender manager but also in group work as well and that is difficult for them. Whereas sitting in prison can be easier for them.

SA: Is there a sense you are counter acting negative press?

MCC1: No always we do try and work with them, they come along to meetings and will do stories which explain what we are trying to do. I mean, I can see both sides, my background is journalism, I have done court reporting and I know you are looking for the hook, the punchy intro and something that draws the public in and reaches out to them, and I know the legal guidelines. But it is very difficult to explain to the public how and why we do what we do, you cannot put it over in an easy sentence so although we work well with the media, one damaging headline can undo years and years of work.

We had an instance a few years ago of quite young children, I think they were 11/12, that sort of age in youth court, it was a horrible crime on an allotment with chickens and ducks but because of their age, they couldn't go to prison, so they could only get a referral order, it was their first time before court and they were pleading guilty, they could not be banned from keeping animals as they were young, but there was a very damaging headline in the local press 'This is not justice' which was a quote from the owners of the allotment whose animals had been killed, but trying to explain to people this was the only option the court had, you can't take children into detention at that age it would have to be a referral. So some reporting can be ill informed, very damaging.

I contacted the justices clerk as it wasn't balanced, with no explanation, just this sensational quote from the owners who were very upset, so they contacted the judicial communication officer in London who then put out a press release explaining this is why the court behaved this way and that did carry a lot of weight, but the damage was done – a huge front page, a lot of letters from angry people and then a week later a couple of paragraphs half way through, you know it was an attempt to redress it.

That is a frustration once something is in the press, you can't sort of ring up the newspapers and tell them they have it all wrong, you must go through the correct channels.

SA: You mentioned agencies you worked with, but what about the voluntary sector?

MCC1: That would be probation so it would be up to them...voluntary work would fall within that, so we wouldn't be directly accessing them.

SA: Have you noticed any particular challenges working with agencies?

MCC1: I suppose the main thing when you all meet and sit around a table, it becomes very clear not everyone understand what you do, how you all fit in, what are the parameters are in which they work. Until you understand that you can't get cross because they are not doing so and so or because....or feel frustrated because they are not turning things around in the same time period. And the same goes for them in understanding what we do, I think that was one of the first challenges I noticed. Even within certain organisations, if they are split up into different parts, sometimes it would appear they don't understand how their own organisation works...I better not

mention any, but unless we can understand how each organisation fits, we are not going to make it work.

SA: Is this what happens in the initial meeting?

MCC1: It becomes apparent as you go along, it isn't always best in a meeting to do this but you might go away and arrange separate meetings away from the full forum to address this.

SA: and the benefits of working with others.

MCC1: It brings about huge benefits, because once we do understand how each other works, we work together better, you find someone you directly go to, there is the frustration if people move on, but the benefits are huge for us and the public.

SA: so being in the business of problem solving, you need to know who do you do go?

MCC1: We have addressed things and other organisations have told us they didn't know we could do this, so we have organised magistrates talking to various organisations, this has been hugely helpful.

SA: And for the public?

MCC1: Yes we have put on other talks for the public, what we call 'MIC' – magistrates in the community, for members of the public, all sorts of organisations from primary school to talks in old peoples, you tailor the talks according to audience, i.e. sentencing and what magistrates do.

SA: As you know my research is on community justice, so we have looked at the crime and justice issues, I am also looking at how terms like 'cohesive community' are understood? What do you see as the features of a cohesive, or good community?

MCC1: A community that works together, that has pride in its areas, that knows each other. Not just residents but also the businesses in that area. Cohesive means pull together, glue together rather than disparate individuals who do not know each other, don't care and get on with their own lives in total isolation. But even in a cohesive community, you can still get that, its that how those people choose to live their lives. A community that doesn't cause detrimental stress or problems for each own community, you want it to look nice, people to behave, to be a useful functioning group in society.

SA: Do you think fragmentation has much to do with levels of deprivation?

MCC1: Well when we did our community justice pilot, the community justice court we launched it in 2007 and we chose east Middlesbrough, the postcodes of TS3 and TS4 because that area had the highest levels of low level crime and it is this crime which comes to the magistrates court. But the thing about that community, and it was

a number of wards about 5, the thing that impresses about those wards is the intense pride and love those people have for their community. This has the highest level of NEETs in the country, high level of unemployment and people on benefits, so huge deprivation, lots of shops closing down, lots of people without work, lots of single parents lot of aspects you might say would contribute to a deprived community but a huge love and care for their community. They cared that people were committing crimes within it, they want to make their community look good and work well and they really...its is hugely impressive how they love it and this had nothing to do with the deprivation at all.

SA: How do the student population fit it with this?

MCC1: They are in bordering wards, sort of central so other than having a flat in the area they didn't come into it, so these were people who lived their all their lives, so not really many students.

SA: Presumably then people living close to family and extended family?

MCC1: Yes that's right, within a short area, they would have mothers, sisters, grans aunts, a lot of family.

SA: What about faith based groups?

MCC1: Ian Goodman has done talks with them I have found them hard to engage and get along, but Ian can talk more about this. We find this with recruitment, the bench needs to represent the community, but it is a struggle.

SA: Are the faith networks in the Asian population more so than others?

MCC1: Yes, I think so, it is dwindling among others. The Asian community are more central so we didn't come across many issues in the pilot, but we do obviously see a fair amount of people coming through the court. And also a polish community as well, so Ian will have reached them.

SA: You mentioned shops closing down, so does this affect communities?

MCC1: Yes, in east Middlesbrough, they do rely on public transport, so if they do just want to go to the shops they do want to go down the road, not get on a bus and carrying all the bags or paying a taxi, so the corner shop is very important, so if this closes down because of vandalism or repeated anti social behaviour its impacts hugely it really does on that community. So you will find it repeatedly in community impact statements, issues with corner shops and local shops, that does have a....

SA: People are protective and want to keep the business?

MCC1: Yes but owners will go where there isn't hassle, they can get insurance not where they are having to replace shop windows.

SA: Are people able to access health care, for example for mental illness?



MCC1: We get people able to access GPs quite well and GPs who are switched on are sending people in the right direction. You do need people to recognise they need help as the care is out there if people are wanting to access or aware of it. There is a high level of drugs use in Teeside, hard and softer drugs and it is at the root of a lot of offending, now that can have impact on people's mental capabilities, which they may not be aware of – they don't make the connection to their behaviour, such as aggression and also depression.

SA: In your opinion, is there anything else that you think would engage residents in dealing with crime and justice, either perhaps have been tried or not tried?

MCC1: If we felt it could work, we would try it. One aspect of the pilot we wanted to try was to get residents to come into court as most magistrates courts are public, so sitting in court help them understand how we dealt with offenders, the questions we ask, what we hear back and how we deal with them, that was a real eye opener. They then go back to the community and talk about their day and what happened. They found it fascinating and none felt it was a waste of time. If you can encourage people to come to court, you should – some don't have the time, or they are nervous or they don't want to be seen. So courts in the community isn't going to work, as they will feel they have done something or they are telling on somebody. We did a lot of talks in the community and at council meetings but you cannot sustain that, you are talking about people who are already volunteers so you are asking them to be in court and then in meetings, but then even at council meetings attendance can be poor. It's the same people, who are there to complain. But they did like us going into communities, the community justice pilot showed communication is important. The police are supposed to inform people of what is going on so if the police aren't clear and the explanation isn't correct.....from our community justice conference, there were ideas - we tell them about work projects, progress of cases especially explanation if a case is dropped or a lesser charge is brought which can be upsetting. They need someone to sit and explain this and not just hear it from someone.

New ways need to be found to inform the community – I think they do feel ill informed and also easier to report problems, deterring offenders and parents should be more involved.

All the integral parts need to understand each other, so for example the police need to be able to explain what the CPS can decide and at trials, witnesses and victims feel let down if there is not guilty finding but they need to know that based on the information presented on that day the prosecution have not provided beyond reasonable doubt and if there is any doubt they must be found not guilty. Getting that across is hard and the public do feel let down, public confidence is very fragile.

SA: What else hinders getting residents involved in dealing with crime and disorder?

Not wanting to get involved, what's the point, either nothing gets done, no one listens, nothing happens to them they don't get punished, what the point. It's fear of reprisals, in the community that is very tight and knows everybody and you know who committed the crime and they know you, word will get back. They will say I have

kids, I cannot afford to say something. So the people who stick their head above the parapet and go to court are really the brave ones.

In domestic violence cases, the stats show there is a strong leaning towards not guilty, and if the victim doesn't show it goes ahead but if the victim does show up they will change their plea – but it has put that ex-partner through hell for months. We do a lot of training in domestic violence, it has so many shapes and forms and it is not just a straightforward assault, it can be so many different ways, not always male on female etc. We have training called 'the Girl in the Gallery' and the reason for that is we will hear from solicitors, they are reconciled and she is here in the gallery today – but this doesn't mean all is fine, he may have threatened her to turn up at court to make it look fine.

Sadly DV can be a way in which people address problems, but then they can be very protective of their families so victims end up defending them. We did training with traveller families, and this is how they manage problems, so the women didn't want to come forward, so again it was a case of this is how we live. But we have to tell this is not acceptable, but it is very hard to get people to look from outside into their culture.

SA: Is there anything else you wish to comment on?

MCC1: Yes something I haven't mentioned which does work, is restorative justice. It is used quite widely in youth justice, quite a lot of schools use RJ to solve problems before they escalate and referral orders will try and make use of restorative measures. It is something which, quite rightly, creeping into adult cases, trying to find a way of payback. Not every victim wants to get involved in restorative justice but some do, and often it is surprising victims that do, like the elderly lady who has been burgled who you think may not want to confront this young person. It is very brave of them to do it but if they do the rewards are enormous because they want to ask the question you know, why me? Was I targeted, why did do this, why did you smash photo frames, urinate in my house – confronting people with their behaviour I think is much more likely to prevent re-offending.

More use of restorative justice is helpful the courts can make this part of an order, it is not something always before court. We are about to start neighbourhood justice panels, there are pilots out there. There are concerns if it take work of courts, but again it gives the community the chance to take a bit of control it could work out well.

SA: Because it removes the need to go to court and the issues that brings?

MCC1: Yes, I mean its for neighbourhood disputes, not all criminal cases, but it is all problem solving.

## **Community Justice Study**

### **Research fieldwork – August 2012**

#### **Interview – CJSTAFF 4**

AP – Cleveland Police

SA: Tell me about your role

AP: My contract is with probation, I was actually seconded from being the deputy area probation officer for the criminal justice initiative, I started that in 2007. In 2008 I got the project manager's job and was seconded from there. I don't actually work for the police, my role is based here. The project was to manage the community court here, and to co-ordinate the problem solving, community impact etc, lots of other things going on with that.

The criminal justice board, not sure if you are interested but this was a multi-agency project and I was based with the old CJB.....I got to make lots of new contacts with this role.

Things kind of changed dramatically last year when the community court was given no more funding, but because my funding was separate they kept me on and matched my funding as I agreed to do additional work for them.

The issue has been, I think that community justice has kind of lost its direction somewhere along the line. When it first started it was a very small project, confined to a small area, not huge, there was a designated court, we had designated staff and it was great. When we rolled it out across Middlesbrough and then across Hartlepool aswell, because the Mayor of Hartlepool decided he wanted a bit of the action, it diluted and it diluted because we had to take on extra work. So, some cases would come from other areas which weren't strictly community justice and others were. The only consistency was with the problem solving bit you could do, for anybody. When we re-visited the priority workstreams this year with the LCJB, community justice was not a priority workstream. It should have been business as usual, but unfortunately it wasn't.

Community impact statements are still there, they are still being produced, for some local authority areas, problem solving I have had to withdraw because I have had nobody to co-ordinate it, as well as everything else.

So, it doesn't look anything like it used to, hasn't for a long time, we got to a point where we liked what we were seeing, but its not a priority, it's a shame.

SA: This was something happening nationally?

AP: It took longer here, because I was still here where a lot of the other project managers moved on, so we hung on to it for a long time and I know that the national programme is being looked at, and we are still interested in this....

SA: There does still seem to be an appetite for it, to come back, there are people willing to take it up and run with it again?

AP: Yes, I think it is down to the coordination and the finance really, after all those years you would expect it to stay.

SA: So, have other priorities taken over this approach do you think?

AP: The other priorities were already there, but because we have such limited resources now and limited staff, i.e. me, you know it is incredibly difficult to keep something going with any sort of momentum. The priorities that have been identified by the board that we are working on won't come as any shock to you, reducing re-offending, victims and witnesses is a huge piece of work and hopefully that will bear some results.....um, also efficiency, digital streamlining, looking at processes, avoid duplication and so on, and the other one is the domestic violence court, for Cleveland and Durham now, we have two specialist domestic violence courts for Cleveland. But they have kind of lost their way a little bit as well, because there is nobody, confidently looking at them and making sure they are running properly. That's our core priorities.

SA: And yet it seems to me, the aims of community justice can help reduce some of the bureaucracies and aid the courts, offer support for victims?

AP: Yes, yes.

SA: Can you tell me about any specific community justice initiatives which you have worked on?

AP: Yep, um problem solving....you probably have heard of this,

SA: Yes, and also community impact statements, but anyway.....

AP: So, yes, the problem solving, that came about when I first took over, we had a healthcheck, it was can general, a set of principles. So we looked at people who were coming into court, either for the first time or coming back for low level offences and we decided it might be a good idea to provide some intervention at that point, to stop that revolving door or to stop people progressing to more serious crimes. So we devised a process which was incredibly simple, where we identified cases which could be problem solving cases and there was no intervention in place, we didn't want to tread on probation's toes, lots of people coming through and it was taken up by a lot of people, and we developed a questionnaire, for them to go with a volunteers, a tick box exercise to tell us what worked, what were the issues which brought them to court, it was clear to them it was voluntary, but it worked really, really well.

In the community justice court, we had the dedicated court, we didn't see anybody come back, which was good, but there was never any proper statistical information kept about it unfortunately. We had a team of volunteers, most of them university students, in hindsight this might not have been best because of their other commitments, it was useful for them as it was relevant to what they were studying

for, but when it came back to going back to university, the pressures of their worked meant we lost quite a few, so it was difficult to cover the survey work, its always there to be taken up again, we have a full training package and it could be up and running again, but the commitment it difficult.

SA: What about the traditions and 'culture' of the court, the legal processes which means some magistrate find it difficult to have a 'conversation' with the offender?

AP: Yes, we always promoted direct engagement, we did quite a lot of training with magistrates as well around direct engagement, when we rolled out further and some of them were horrified at the thought of speaking to an offender. The culture for them is that this is done by the advocates, they find it incredibly difficult. Others are absolutely brilliant, they can make a huge amount of difference to the way that things go, because they build a rapport and can challenge them about their behaviour. As long as they don't drop themselves in it, which the advocates were worried about, it works really, really, well, but you are right the culture means that some will simply not engage with them. They do it all the time with the community sentence offenders, but they can't seem to get beyond the barrier of the advocates.

SA: This is partly due to their legal position, isn't it, i.e. that's what they do, this is what I do?

AP: Yes.

SA: So we have talked about problem solving and managing offenders' needs, is there anything you can say about how victims or communities are supported?

AP: I think by addressing low level offending and preventing it escalating further, I think we are protecting the community, so where if someone might have re-offended, e.g. they might have had an issue such as bereavement, this came up time after time, because they have addressed this, so in an indirect way we were working to reduce the number of victims.

Community impact statements are...I will tell you a bit more about them; when we first started doing them, the priorities they came up with were not what we expected, we thought it would be drug dealing, burglary, you know the high level offences, and it isn't. I think all the criminal justice agencies have made the mistake of assuming that they know what the community priorities are. There was more around anti-social behaviour, dog fouling, parking problems, the irritating things rather than high impact crimes. We were kind of addressing the wrong thing, these were never going to lead to a community order....

SA: So often not actual criminal behaviour....

AP: Yes, anti-social behaviour...

SA: So would this go back to the local authority, not court?

AP: It depends what it is, if it's very low level, then there is no charge, but criminal damage could lead to a charge, also public order offences, will never go to court so there is no level of supervision..

SA: Even though the point is to understand there is a reason why this happened?

AP: Yes, so this is what we were trying to address, the reasons why so it all kind of linked in with what we knew from the community impact statement.

SA: Can you tell me a bit more about the community impact statement?

AP: Yes, they have a set of questions, prepared and its done either by a police officer or PCSO, have you seen an example?

SA: Yes...

AP: They are compiled to show everyone that was spoken to, not just victims, but other members of the public, those from various organisations, like the church. Then the priorities are described, what the issue is and what has been the impact on the community to demonstrate the harm.

There are good when they are used, but the problem that we found was getting the done, because the police, well they have an horrendous job really, they go to an offence and have so many things to think about, so is it always going to pop into their head, not all the time no, so we didn't see an awful lot of them in the court room, but that said, we did share them with the local authority and so we can inform them about where to put their resources. The anti-social behaviour teams were authorised to get them as well, we share them with probation and the youth offending service so they can use them for the pre-sentence report, or when they do some work with the offender. They go just about everywhere, there is a great long distribution list, where they go to, CPS can get a copy so they are aware.

SA: This could have an impact on their decision about an offence being in the public interest?

AP: Yes, the uses of them it seems to be endless, the linking into so many different things, they are great, they are still being produced still there on the intranet.

SA: Are PCSOs perhaps well placed to do this? They are more visible, it may be part of their reassurance role?

AP: Yes, it is really at the point with the custody sergeant, with the charge where they ask if this is a local priority.

SA: If they remember?

AP: Yes, Neighbourhood Policing teams are better at it, they know their areas and can respond, they cover absolutely everywhere...we were hoping that the control room would take this on, you know say this was a local priority, but since the policing pledge went, the priorities are not on peoples minds anymore.

SA: I suppose the cuts to spending are impacting what they can do?

AP: Yes.

SA: You have mentioned already a lot of agencies and organisations you work with, is there anyone in the voluntary sector you work with?

AP: Yes, Victim Support, they have always been involved and are part of the criminal justice board.

SA: Anyone from faith based organisations?

AP: No, not really.

SA: What would you say are the benefits and challenges of working with others?

AP: Bureaucracy, when I first got into this role it took a long time to get to know what others did, the wheels can grind a little slowly, but with community justice, what I found was that the relationships we had on that community justice team were very strong, very strong and I think that's why we got results. We actually won partnership of the year, which was great and those relationships have been maintained.

SA: They are still in place?

AP: They could be resurrected anytime, also we have had a change of SRO for the project as well, our previous SRO was really hands on, on the ball, she would drive things; when we changed I think the person who became our SRO didn't have the same enthusiasm for it, so if you don't have the support there it does make things more challenging.

SA: But it does seem, about partnership working, individuals need to have the will and drive to it, even when it was made formal?

AP: It does, and I would say at an operational level, even at higher level, the relationships are there, we have brilliant relationships, if I have an issue for example with the CPS I could go now and say this is a problem, can we get it sorted out, everybody is very bonded, I suppose because we work so closely together. I still think that at the more senior officer level, if there isn't the commitment there it is never going to happen, because they are the ones ultimately that can say yes we can do this, we can't and I think there is a lack of understanding about some of the changes at the top, they don't really understand what community justice is about so therefore it's not a priority for them.

SA: This must be happening a lot, changes in staff?

AP: Yes, restructuring, trying to save money.

SA: Part of my research is looking at how people define community?

AP: There are so many different communities....

SA: Yes, so what would you say are the features of a cohesive community?

AP: The plan with community justice was always to expand it and take into account the more diverse communities, because the community impact statements might not always reflect the issues within the community, so we want to reach more specific communities. This was talked about, but we never have done it, there is a lot of potential with them.....one thing I haven't mentioned is the community engagement we do, we go out and talk to neighbourhood groups about community justice and it was always very well received, but again this has fallen by the wayside.

SA: So when a community has come together to solve a problem, what have you observed as the feature, or what was needed?

AP: I don't know whether people feel empowered, but they tackle the problems with the help of neighbourhood police, I think they are brilliant because they bring the community together and the PCSOs who I particularly like because they have limited powers, but they are hugely popular. The only real problem I have seen in the community is community councillors, they shout very loudly....I don't know if people think they can tackle things.

Yet, restorative justice isn't a priority in our area, but it is something the police, probation and prisons are looking at, we like the idea of having a 'community resolution panel' and we have the training, but again it's not viewed as a priority at the moment.

SA: Are things going to change in the near future?

AP: It is a bit up in the air at the moment, we've got the Police and Crime Commissioner coming, depending on who wins...one of the candidates used to sit on the community justice team so he is very keen to keep it, but the others, I don't know, I really don't know what their priorities are going to be. It depends on money, we just don't know. You can't make any long term plans.

The police and crime plan is being drawn up at the moment, so we may know more by next year, but really we have to make the best with what we have, which is what we are trying to do at the moment.

SA: Are Crime and Disorder Reduction partnerships still making these decisions?

AP: They are, but it comes down to funding, this year things may not change but with the PCC, who will have all this money, they will be commissioning services and make decisions on funding.....it really depends on who we get.

It's difficult to know, and with the CPS and courts trying to maintain their independence, they are very resistant to change, so they won't want the PCC to tell what to do. There is a bit of a conflict.

SA: Interesting times then....



AP: Yes

SA: Have you found anything that works to get residents engaged in helping to address crime and disorder?

AP: It depends on the individual, whether they have their own agenda, or if it is generally within the spirit of the community and my experience is that it is the former, that's not to disrespect what they do, but you need to be aware of this.

At public meetings, some can give...not so much the police, but when the courts or CPS are there, they give them a pretty hard time to be honest.

SA: Because they are unhappy with their decisions?

AP: I think its their perception, its not the sexy end of the job is it, the police are, because they are seen taking people away, but I think that with communities, the general public need to be better informed because if you went to a community council, what's the public interest test, or the evidential test, they probably wouldn't know, and they might understand the CPS a bit better. I mean police officers don't always know!

There was a suggestion to publish sentencing outcomes, we can tell people what we did, but they still wont understand why. Unfortunately with the local press, if someone gets a suspended sentence, well they have been 'spared jail', well until that becomes a positive headline well we are on a hiding to nothing. I think more people should be aware but whether they are interested enough to want to take that on board if it doesn't effect them personally, I don't know.

SA: That seems to be an issue, if people feel safe why would they get involved, or victims want to get it over with, don't want to get involved?

AP: Yes, we have had issues of attrition and we are still trying to work out why...the confidence in the police is higher than in the courts, so people are more able to report, but when it comes to the prosecution quite often victims don't attend or they have withdrawn very early on. We are trying to address this, to report it and then see it through. Its like with going to hospital, I don't want to know how it works unless I need help and I think that's how people look at it. Prosecution is not always seen as a success, especially with domestic violence, we have terrible issues with this, the victims may not want to go through with the case.

SA: CJS people understand legally justice has 'been done'

AP: Yes, but some want them locked up and throw away the key, the process can take so long they don't want to get more involved, even just to get a plea.

I think community justice can support victims, so if they withdraw, we can ask why and if they feel intimidated they need help, if not and they just want to move on well we can let them.

Victim Support are very good, very quick to help and offer support.

SA: Are there any groups you find it difficult to reach?

AP: There are so many, it is difficult, so we try and work with schools to get them at the very beginning, for those who offend or are victims its more challenging, but going to schools is very useful, informing people. But it is all down to money, this is another service we can always provide.

Its amazing people who don't know they can visit the court, so we its important to do this outreach work and also offer court visits, even though it can be time consuming its worth it later on. Its very different to community justice, like a production line.

SA: Is there anything else you would like to add?

It's a travesty it hasn't maintained its momentum, people need to see the benefits of it and I would like to see it come back, it depends on who is in government, whether they will invest. I think the CJS and its partners need to know what is going on out there.

SA: Yes, well maybe this is a good time for this study.....thank you very much for your time today.

AP: Thank you.

**COMMUNITY JUSTICE STUDY**  
**Neighbourhood Policing team leader**  
**JW**

SA: 1 Tell me about your role.

JW: I am a temporary Inspector, hoping to be promoted in the next week or two, as I have been temporary for nearly 4 years, but there hasn't been promotions recently as they are downsizing the force so now; there is more focus on policing areas or BCUs. Basically at a local level we deliver integrated neighbourhood policing, which comprises using PCSO in neighbourhood team, dealing with volume crime and other duties aswell, we have had some structural changes.

I got geographic responsibility for east Middlesbrough, the 5 wards, which are Park End, Beckfield ?????

With that I have two teams, each led by a police sergeant, and each team has PCs, we have collective responsibility within an integrated model so we look at volume crime across the board.

SA: Can you clarify is volume crime a high prevalence, but low level?

JW: Yes, acquisitive crime is a higher level that ranges from robbery to other higher level, such as burglary so volume crime tends to be things like criminal damage.

SA: Can you tell me then in your role who else you work, such as voluntary groups/community groups?

JW: Yes, well internally we worked with different parts of the force, and also external agencies so which did you want me to talk about?

SA: Both really.

JW: OK, internally we work with the community drugs enforcement teams, crime detectives, we get support from our intelligence and surveillance unit and others to help us deal with motor offences.

Externally we work with very closely, the local authority, housing providers, the fire service and we all come round the table once a month for meeting, chaired by the main partners. We also have probation representatives, and others from the private and third sector.

We have meetings also with schools and we are looking to work with others, such as High Tide, which is an organisation which represents local industries, in Teesside. Its financed by various industries, it offers work experience, helps people build CVs, towards portfolios and sometimes leads to apprenticeships and jobs. Trying to get the young people of Teesside involved in industry – I think it serves two purposes, on the one hand it gets young people involved in purposeful activities, and on the other side it's a workforce for them, because they are struggling to recruit I think.

SA: So for young people leaving school, with just GSCEs, they may be quite limited so this is maybe a training opportunity?

JW: It is yes, they look to give them some kind of recognition for that, certificates and try to provide the best possible opportunities. They try to do it across the range of ability and some of this includes those more marginalised.

SA: And how is it going?

JW: Its only been going a short while, the schools are just getting to know about it, so this year we are going to the school in July to do an open theme day, presentations and I think we are going to a workshop.

We do a lot of work in schools, in the lead up to Halloween, as the night before Halloween some young people think they can go out and cause trouble, mostly throwing things at windows, smashed cars, some serious things which take up a lot of time. So we pull together a lot of the agencies in the build up to that to tell children about the dangers of fireworks, things like that.

It's a big police operation, we cancel leave for the period, and can last for a few days.

SA: Are community representatives, local residents involved, for example in beat surgeries?

JW: Yes we still do beat surgeries, we do community council meetings as well for each ward, every 6 weeks, we have representation from local councillors which informs the group meeting. Our neighbourhood model is built around interventions, and access, on the access side is trying to engage with the local community, responding to their needs, it's a challenge to be honest, in theory, community council meetings are great, in practice, they are under-represented, sometimes you get a small number with their own priorities, and they don't see the bigger picture for that particular ward, its been a bit of a bone of contention sometimes, in theory it can be a very useful tool. We can go into areas where other groups meet, such as coffee mornings, we use social media aswell.

SA: To reach those who cant get to meetings, so social media can help to get the message across?

JW: We are getting reports on social media about metal collectors, some of the less scrupulous ones are throwing and smashing stuff up, the vans are in dis-repair so we did a multiagency operation to check road worthiness etc, we fed that back via social media. So we do try and recognise the need.,.....there is the theory of enforcement engagement, so we have people who follow us on facebook and twitter and we did some door knocking for some of the elderly residents, so we worked with the fire brigade to talk about wheelie bins, keeping them in and safe as they can be a fire hazard. We get to understand their concerns, and we can explain what we are doing.

SA: Is still needs that approach?

JW: We will use letter drops, if there has been a crime trend.

SA: What are the benefits of multi-agency working?

JW: The statutory requirements have been there a long time, we do need to challenge ourselves further across the landscape, there are a lot of other organisations who can help us. I heard a quote recently, about 120 different organisations working with young people, I don't think anyone knows who they all are.

SA: Part of my research is mapping the local community and services to help residents.

There is a scheme for all these organisations to advertise and so try and get their work out there, but going back to the multi-agency working, its providing resources, and most importantly provide support.....probably the key thing. It is a bit of a challenge at the moment with shrinking resources, in the police service, people don't tend to stay in a role for more than a year or two, there are changes in the local authority.

I think it is important when you are working with partner agencies, the main thing is identifying a common goal a common aim, but also recognising what the limitations are, what is achievable, try and understand where the common ground is so we can all pull in the same direction.

SA: Its about understanding police, courts have different priorities and values, but you can still have a goal?

JW: I think so, the other important element for me in terms of agencies working together, is that you can't shy away from the fact that confidence in the police has been rocked, in the last few years so if we can go to the community and say we can do this, we can offer this, we work with partner agencies with greater diversity, people are far more likely to embrace this and have confidence in us and the multi-agency approach.

SA: Any other challenges such as working with residents?

JW: I will give you an example, we have been doing restorative justice, the force rolled out level 1 interventions for young people, and this year it has been extended to adults, so previously it was just for under 18s, to do an immediate restorative intervention, to avoid criminalise them. In parallel to that we have a level 2 RJ intervention, facilitated by UNITE, a mediation company who managed our face to face conferencing, and an extension of that we looked to areas of high ASB, in two wards we have Community Harm Panels, so where you had a victim of ASB who didn't want to come forward they could be involved in RJ, or where there was no-one victim, but you have a 'harmer', an offender of ASB, you could marry them with a RJ representative for the ward, so they could still do the RJ process.

Two challenges there, one was having people come on board, it did take a few months, we did manage to get 3 people to be a spokesperson for the community, not necessarily straightforward and then the other issue has been finalising the process,

it was set up 3 months ago and I don't think we have used it yet, which is a real shame as there is a lot of people there involved. It's a challenge to get referral to level 2, as a police service about 80% or more go to UNITE or other agencies like Victim Support. I think that is something around confidence of staff and where to use RJ, and the representatives see it as something very new.

SA: These are sensitive issues, I suppose people don't want to use something new and make mistakes?

JW: Yes, I've tried to get training to get more referrals and more use of it and seeing it as a useful tool and not a bureaucratic process, like for example you have an habitual shop lifter and they are in court again, another fine, so why not just try this RJ and see if it works, fantastic. We watch the 'Wolf Within' about a wealthy banker in London, robbed, who then went through the RJ process with the robber and they became good friends, and now talk about the virtues of RJ. It is really impactive.

SA: So do you know about Neighbourhood Justice Panels or community courts?

JW: No not really, I haven't been involved in them, but I do know they have been working in the area.

SA: NJPS, sound similar to the community harm panels,.....

JW.....Is is down to each area to take this up if they want?

SA: Yes, I think so, its complex to understand who decides what is best...

JW: Yes, I don't know a great deal about the community court, I know some offences get charged, but I don't know what happens beyond that. Part of the reason, is I have been more on the front line, as a Detective Sergeant, so more on that end of the offending.

SA: Ok, do you know of any other initiatives in place to support victims of crime?

JW: This is certainly one of the force and PCC priorities, we try and sign post people to different agencies, especially for victims of sexual violence and domestic abuse, information around other agencies, in line with the victim's charter, such as Victim Support.

There is also UNITE, My Sister's Place, there may be others, I am not too involved in domestic abuse case, but there is also ISVA for victims of sexual abuse.

SA: Is there anything more you think can be done to engage residents or to help them prevent crime?

JW: Yeah, we tried partly through the council meetings to set up additional Neighbourhood Watch schemes, I'll give you an example of what we are doing at the moment, we've got an issue with wheelie bins, so with the fire service and local authority we identify people who want better security, rolling this out, so we have locks on the bins and also try and sign people up to neighbourhood watch schemes as well, to try and get them involved, we have community speed watch schemes,

where we get members of the community to come with us to problem roads etc, and use the camera board to record registration and that sort of thing.

We can always get better and getting involved in the community, as if we get their buy in and their....ideas and understanding and the outcomes are generally speaking significantly better aren't they?

But is how you do that and how you access it, sometimes there is...you will find low attendance at community council meetings, sometimes we struggle to get residents to do the community speed watch and there is, on the some the harder estates there is the thing of working with the police, being a 'grass' and all that sort of stuff, there are barriers there to overcome.

SA: Are there any groups harder or maybe easier to engage with?

JW: To generalise, I would say the slightly older members of the community, not so much with the younger, then tend to be disengaged also the unemployed, but then employed people are hard to reach, there are busy and don't want to give up their time on the evenings and weekends.

SA: This is one of the issues, such as the 'Big Society', to know when for some groups of people, they can help and also should they be involved in dealing with crime in their community? Is it too difficult?

JW: It can be, I think the key thing is how you communicate it, what the message is, because in essence they are right, it is our job and our responsibility....why should they be involved, unless they have a vested interest. There is a lot of examples of good practice, but we are not very good at sharing this, but we do have a 'Police Knowledge' page, so if there is a problem you can type in the heading and it signposts people or projects that have been undertaken than have been seen as successful, a pooling and sharing of ideas but for specific issues.

So one on there, theft from vehicles from a car park, so all they did, well they did a few things but one of the things was to basically put a big red line around the car park and it seemed to create a mental barrier, just by drawing a red line, the weird and simple solutions work sometimes!

SA: I wonder if they thought it marked some sort of surveillance area?

JW: Maybe...yes, its an internal access site, the College of Policing run it,

SA: I am also mapping information from the Facebook pages, which is proving useful.

JW: Yes, we do try and post up information, I set up the Facebook and twitter but the wider use by the staff has been really slow, but the followers in Coulby Newham put lots on, on a daily basis and they have lots of followers, but is has been slower here, it is a harder area to police here, there are issues with drugs, Coulby is more leafy, and community engagement is a bit easier.

SA: Is there anything more you would like to add?

JW: Yes, there is more to say on restorative justice I have been involved in, the community drop ins and beat surgeries, we are pulling back from them, I have put in a report as my staff are gone for an hour and invariably the average was less than two, for attendees. Even though we put it on the website, etc, there are a few that are well attended, but the poorly attended we should withdraw and maybe look at more practical ways, to go to other community events and have a presence there instead, like bingo games.

This is also about limited resources, an hour out for staff is a lot, but at the end of the day if they have problems they will contact us.

SA: Are there other challenges to implementing restorative justice?

JW: Yes there is a number really, one is how its explained and sold by the officer, whether they believe it in or want to use it, we have done a fair bit of training to overcome this.

The next one is greater confidence and knowledge of it in the community, so people are happy to buy into it and the third one is the speedy response it needs – I know there has been some frustrations with staff that have referred the victims and offender, its taken a few weeks and in that time, people can disengage. We can make it part of a conditional caution so the person, the offender has to engage in RJ, as part of the conditional caution, but if not....well I will give you an example.

We had one where we had a number of fires in the park area of Brambles farm, we identified 8 young people, some were on ASBOs, some had been in trouble before such as causing damage. So to deal with them all together, we couldn't do RJ just for the ones that hadn't been in trouble with the police before, and then prosecute the ones on ASBOs, so we wanted to give the full lot to UNITE to do a level 2 RJ, so we would have police, local authority, fire service and we identified a resident from Melbrook Avenue, willing to be on the panel as well, which all sounded fantastic in theory. But I do sympathise with UNITE, having us five agencies, getting those 7 young people a time when they are all available is massively challenging. Because of that its taken them weeks and through that period of time, a lot of young people fell off. We did it in the end but with only 2 people instead of the 8, so it has to be timely justice, this was a disappointing outcome.

It's the time to deal with this all separately is longer, so this was a missed opportunity, so maybe on a smaller scale, setting an early firm date is better. But we do learn from these things, and we can share this, at the moment there are different silos of RJ in Hartlepool for example they have their own.

My biggest frustration, talking openly here, we have been managing up when we could manage down. When Inspectors and Sergeants count in their monthly performance reviews with their bosses, I don't think RJ is necessarily on the agenda as it was a service provided by somebody else and so we aren't necessarily getting measured on it, but if had gone from the ACC down, it would be getting pushed from senior ranks and then I think there would be more referrals. There are a lot of hours



trying to lean on my colleague Inspectors and speaking to their Chief Inspectors to reiterate the issue and keep the referrals coming through.

The timing was unfortunate in that the level 1 was led by the ACC, lodged by the April and then level 2 came a month later and I think people got confused between the 2, it all got lost in that.

SA: What's your view of what victims think of this?

JW: I don't really get to know, the research shows a great sense of satisfaction, but UNITE can really give you a better idea of this.

SA: Well thank you for your time today

JW: Thank you.

## COMMUNITY JUSTICE STUDY

### RESIDENT CP

**SA:** Thankyou for agreeing to this interview, for the tape can you confirm you are happy to participate in this research, I will send an ethics form for signature to you aswell?

**CP:** I am happy to participate in this research

**SA:** Lovely, thank you, and also can you confirm I have told you this is for my PhD thesis and so it will get written up for that and other articles, but I wont be using your name, so it is completely anonymous and confidential.

**CP:** That's fine

**SA:** Good, you do also have a right to withdraw, so at any time you can contact me and say you don't want this data to be used, and I will send you a transcript of this interview as well.

**CP:** That's fine

**SA:** Well first of all, can you tell me a bit about where you live, and what it is like

**CP:** We live in North Ormesby, you've got older residents, plus those who have been here a long time, some of the older ones have obviously passed away, you've got a few...they are some, they've brought their families up and come back, you know. We actually moved away from North Ormesby and came back, we felt there was a better community, the problem is, we have alot of people who've come in and not been brought up here...if you look on the webpages, you can see comments of people who have been here and they have contacts with the place.

The community, at the minute, well there is a neighbour giving a lot of grief, there are not from here, but they argue a lot, its hard where we live.....some streets have their houses with private landlords, we have more where you know the council look for somewhere for people to live, so at the minute, where we all come together, this one family sort of that little bit of cancer if you like.....

I mean I lived here, I was brought up here and we always felt there was someone to help, at the end of the phone in the middle of the night, you know. Obviously you've got your police, but they have other things to do and so you have to go to noise control, it takes time and its sad that we have to do this....

**SA:** I have had problems with noise pollution, you call environmental services or out of ours the police, but they would come when there was no noise, so it was a long process to actually get it sorted.

**CP:** They gave us diaries, you record it for a month, now if the person causing the problems knows the system, they can stop it for a month and so it looks like there

isn't a problem, but then they do start all over again. I mean we did have the police around, as it was the boyfriend causing all the trouble, at 4 o'clock in the morning, I mean we had all gone to bed, we had the grandkids and the street was quiet and like I say, the first time we called the police because of the music and they said there was nothing we could do, but eventually the police did come round. I don't know if that was on one of the neighbours calling them out or some other reason, but they got to a point where they couldn't even hear the police banging on the door, the noise was that bad.

Its just having that little bit of respect for your neighbours as well....

SA: There is a middle ground where you let people get on with things....

CP: Yeah, when you've got this going on, I mean there is New Years eve, we ended up going to the letting agency, another neighbour did, I don't know if anybody else did in the street, but I know um...well that's the second time I've been over...

SA: And what is their response?

CP: Apparently, according to the neighbour who joins their house says they are having a meeting with the girl on Wednesday, so if there is any outcome hopefully we will get a note of the outcome. Her on her know, she's fine, you know....for me she would have to cut her ties and stop these people coming round. Like I say, New Year's eve, the police came, he was riding around, you could see, on the bikes, just a push bike while the police are inside the property, but as soon as the police go, she lets him back in. But then at the end of the day, we've seen her since then and she had a black eye and so, I just think that's where the police need to help....otherwise....?

SA: Well this is one the themes of my study, especially for local issues is at what point do you want people to take responsibility for their own safety, especially as it affects other people and at what point do the police have to intervene – its realising that the police can only do so much...

CP: I know their hands are tied a lot of the time,.....but I mean they have only been in that property, no more than 3 months, and to my knowledge the police have been there at least 3 times and I feel sorry for the couple next door, a two year old and a five year old, they don't listen to music in their own house, but they have the telly on...the walls are not big, I mean we have a family next to us, she has about 6 kids, you what I mean, so I am the type of person, I will live and let live, you know that's a big family, I do play music, not all the time, but I know the walls are thin and it might not sound loud to me, but it might be strumming through, so I do pop over a few times and say if it is too loud, let me know.

SA: Well this is the thing, you can have that conversation....but this other new neighbour is new to the area and wont.....

CP: They aren't and it just feels like there is no respect....

SA: I wonder if they have moved around a lot.

CP: They have moved from not far away, they had only been in that property 3 weeks....

SA: Do you think you care more about neighbours when you get to know them?

CP: Yes, we had one lad, he was with probation, so we didn't know this until he got here and his friends, there was this one night when they just wreaked havoc, the next day the landlord, we complained to the landlord, and she changed the locks, we were going to the landlord to complain as a community, that seemed to help. I mean the other lad, he took his gang with him, that's what they seem to do especially if they are on the drugs, a man across the road when he opened his passage door, he could smell the drugs, as they call it the 'gange', you can smell it as soon as you walk in.

They don't know what it means, all their mates come on push bikes, they have a dress code about them.....(ANSWERS DOOR).

So getting back, to um, there's a dress code, I find now there seems to be the norm, that's what they seem to do, they are just bored probably and it's just somewhere to be.

The other one, I don't know where he went, he seems to be out and about when she is at work, the other one, she seems to make excuses – they don't seem to live a normal life.

Another couple they have a family, they work, but this other couple, they don't have a job, where they would go to bed and have to get up, I just don't know how they see this as a way of life.

SA: That's perhaps difficult for some people to see as 'normal'.....?

CP: There doesn't seem to be a normal for them, why not go somewhere it is run down, where they might feel they fit in? Another landlord couldn't rent his houses out because of problems with other tenants, he owns 21 houses, but most of them he cannot get anybody to rent them.

SA: Well social housing have to have a certain standard, so he won't get those tenants...

CP: Yes, he ends up with people who trashing the houses left, right and centre, and yet there are people rent here who are born and bred, that's where the community is, the people who are born and bred. I could win the lottery outright, buy the houses up and down and be the sole landlord and live amongst them – I would vet them. It sounds regimental doesn't it, but if you want that sort of community, you want to live a normal life, this has just been my experience lately, just a couple of families causing problems, but they think it's a normal way to live.

SA: Nobody is really confronting them with this, but what are the prospects?

CP: I don't know, I really don't know, I mean we talk to them, because of the dog actually, we have a little dog and she will sit outside and greet everybody, but I find it really sad I really do, just depressing that generations are going to be the same, going to be I don't know....I mean we spoil our grandkids, you know what we didn't have, but.....people are used to having these things without having to go out and get the money.

SA: I mean, above everything else, you would they would get bored?

CP: Yes, I am not working at the minute, I do get bored, I'll admit it to you, but I'm not going to admit it to my husband! Obviously I have got other things I can do.

Tape interrupted by phone signal.

CP: I find my time more precious from working, I mean you couldn't have a holiday if you didn't work.....

SA: I just cant imagine living my life like that....

CP: If you have work you have a routine, at work, I mean I get up and get dressed and have things to do, and it changes, but I suppose that's what is wrong, they have no routine. I think that's where things go wrong, they drink..I suppose they see this as ok.

When the police came to speak to the girl you know, I spoke to one of the policeman, because it wasn't just me and the neighbour across the road, it was all the neighbours...I know the enforcement officers can do something, so you have to go through their process. Its all right now in daylight to talk about all this and you can pick the phone up and talk to someone, but in the middle of the night, when the music starts, you are tired, thinking about getting up for work, that's when you need help, to say hang on a minute, get here now.

Because people have to go out to work, you cant afford to stay at home, you need two wages coming in, so that's lets people down, lets the kiddies down, nobody at home. The government did say they wanted everybody out at work and they do say the kids in nurseries and this that and the other, I mean fair dos, but is it the right way, does it teach the children to they can have everything handed to them?

SA: So with no one home, they leave the house to interact with others?

CP: Yes, you know one of the older ones who has the drugs, I mean that wont go away. I mean we took the grandkids to the 'Street Dance' class, they put a show on, and we help with the shows and parties, and they look forward to it, it costs money though, but we all get involved in it.

Tape corrupted.

CP: The kids have that discipline, they have to do what they are told, but its fun for them. You have to push yourself don't you, there are things to do.

SA: Hopefully your persistence as a community will solve these issues?

CP: We want to keep our streets as they are, I mean bear in mind the guy across the road, he has done time, but when the community comes together they keep an eye on everybody. If needed be, I can go and knock on the neighbours and say, I'm going away for a week, can you keep an eye on the house? And they will, and vice versa, you know when they put the bins out, will you push them back for me, just to make it look nice.

I mean I can always say, did you see anything, and one who is a bit of a tall storyteller, and she told me someone was on the roof, looking in the backyard and had been in the yard, so I ask another neighbour...he said no, he hadn't seen anything, but in the same token he did take a registration number of someone who had toys in their car and you just have to keep an eye out.

SA: This is interesting, one the of themes of my research is this sense of community..

CP: We used to live in Askham, my husband is from down south and he couldn't get over the fact that if we went to the market, it took us so long to get there because we kept talking to people, and people saying hello. My husband's family are close, and they live on a little estate, but the people around.....he never really saw them. So when we got married he wanted to come to me up north, people talk to each other.

But this is the problem, you get one bad family, they bring another bad family in, they think its their sort of area, so you are segregating the good from the bad, then the are becomes not a desirable place to live. In North Ormesby when I was young, if you got a house here you were very lucky, everybody wanted to be here and its now 'oh its North Ormesby'...

I work in the community, as a Warden and you see...the ones who have been here a while they have reunions, they keep in touch. Its nice to look back and see how it was.

Something I find with this government, with David Cameron, he isn't living a real life, they haven't got a worry, they don't have to go out to work like a lot of people do, I just find some of the ideas are just total crap, they have no idea really. Put somebody normal, someone hardworking, rough and ready, if you like, obviously you need the brains, but you need common sense as well, that's want we need. Common sense goes along way.

We are not money minded people, you know if we get it we will give it away, we work to keep our grandkids, but they wont be left any money, I would make sure I do something with it, if I won the lottery, enough to not struggle.

Then there's cuts to services, and for older people especially, they only go out once a week, and you know because when you see them they don't stop talking, that's a sign of a lonely person, and the council want to save money.....but there is a cost I know, but it is sad to see it.

SA: I have taken up enough of your time, thank you so much.

## **COMMUNITY JUSTICE STUDY**

### **VICTIM SUPPORT STAFF RN**

Service Delivery Manager

RN: We've got 21 volunteers in Middlesbrough so its making sure they are managed, supported. The other part of the job is trying to raise community awareness, a lot of partnership working, that's the biggest part of it is the relationships we have with housing associations, the Crown Prosecution Service, the courts and other voluntary sector organisations....so making sure that those links are maintained and they work well and trying to avoid, you know not having doors closed when you are trying to get information from people. So that in itself is a vital part of, but it is enjoyable

SA: How do you raise your profile in the community?

RN: Neighbourhood presentations in the community groups, like police shifts, housing associations – we do an awful lot of work with housing associations because there is a huge amount of tenants that are victims.....they have got thousands of tenants reporting issues with anti-social behaviour or burglary, so if we have got those links with the housing associations and they know where we are and what we can do, it makes things a lot easier.

So I will do presentations to all groups, and we generate publicity material just for this area, for example, something quite simply like if you have been a victim of crime, here is who to call, or it might be a focus on campaign to focus on a particular group, we can do something specific – we could have a bit of a drive on mental health or we might get something for the elderly, so we will tailor it as well.

A lot of it is just about presenting and engaging in anyway services and with any group who wishes to come in and talk to our volunteers, so when they are working they know about other groups, so it could be 50 or 5 people, or sometimes one on one, so we have a dialogue about what we both do.

SA: What would you say are the benefits of partnership working?

RN: Familiarity I think, not just the services and departments, but between individuals and I think it is very much about as I say keeping those relationships maintained and keeping them as amicable as can be, you cant always agree with everyone on all the different points, but it is just about working together. Its amazing the work that can come to Victim Support where it is clear you wont be able to complete that without working in partnership with others, so its essential those links are there, with the right people in the right departments.

RN: Sometimes it might not be in their remit, they will say 'I would like to help but I cant' then maybe you go back and have a dialogue and ask ok if you cannot help with this, can you help to get us on the right track. But then if you flip this on this

head, they might come back and then ask you for some help – it's a very interesting way of working and in my job it is very important.

SA: Would you say there are challenges to working that way?

RN: I think the challenges are being very very selective and very very careful about who you choose to form a relationship with, and that's a challenge because obviously we are in a very busy environment, it's a volunteer led service so we are fewer in numbers, so we don't have the luxury of simply assigning a piece of work to one person, it's all encompassing, so a big challenge would be from a time management point of view is making that the relationships you establish with services and individuals are the right ones, for what you need to be delivering. Obviously first and foremost it has to ultimately benefit the victims.

SA: OK, do you know anything about the community court?

RN: No, I don't know about that.

SA: What about neighbourhood justice panels?

RN: I have heard about the Neighbourhood Justice Panels, yes, in relation to community revenues and things like that?

SA: Yes, one issue I am finding the community court is being replaced by NJPs, but neither seem to be widely know about? Do you know of any other initiatives in your community to support victims?

RN: Yes, one important project is third party reporting, it used to be called True Vision and its basically for hate crimes, to have them reported more readily as it is an area that it very under-reported. There has been a lot of push for that particular initiative to try and get more people to report, and Victim Support for example is classed as a third party reporting only centre. So that would be one initiative which is at the forefront of my work, there is an awful lot of work going on in Middlesbrough.

There is also quite a lot going on in the area of restorative justice which falls very closely into the issue of community and so forth, we are quite heavily involved as a service nationally where RJ is concerned. At a local level, in Middlesbrough we have a project being co-ordinated by UNITE mediation in the last 12 months, which has been to facilitate conferencing. We have referred people into that project, not in vast quantities, not a huge amount of people want to go down that route to move it forward, but RJ is quite high up on the PCC's agenda as well, as is third party reporting so those are the two things we have been working on very closely for the last twelve months.

But in relation to other initiatives, generally, what we tend to do with the PCC who was elected in, is we try to dovetail our approach to their agenda, which aside from being common sense, is also better from a funding point of view, to be part of this plan.



We are also involved in addressing anti-social behaviour, especially through restorative justice.

SA: Are you aware of people in the community think about these initiatives?

RN: On the whole they are positive, although we have engaged with some for RJ who have said its not for them, but they do see it has its place as long as it is used properly and not there to let people off the hook.

Third party reporting, although its got.....its has gone through promotion and re-energising this year, its always been quite difficult to increase reporting with hate crime, to encourage people to come forward. So although I think people are positive about it as a concept and new initiative, its getting it to happen is a big challenge. There is lot of work going on to try and encourage people to report more. Through publicity, we offer training for dealing with third party reporting, so they know what it is and how we must help victims who come to our centre.....there's obviously that fear of involving the police sometimes, so we are trying to work closely with the police to find a remedy for that and generally it is working quite well at the moment.

SA: Do you live in this area?

RN: I do, I live on the outskirts of Middlesbrough.

SA: Has there been a lot of change to the community?

RN: Well speaking personally and not with my victim support hat on, I wouldn't have said there is a strong community spirit in Middlesbrough, I feel it is very disjointed and there is a lot of intolerance from one pocket of Middlesbrough to the next. That is something which from a professional capacity, you do come across and its fed back to you, you go into certain communities to work and you get sense divisions.

That division seems to be foremost in regards to immigration and I wouldn't say it has got to the point of a ghetto being created, certainly not compared to other parts of the country, but there are certain pockets of Middlesbrough town which are predominantly white or predominantly Asian, so you do get that impression personally when you out and about and through work, that cohesion in the community is not as positive as it could be or should be, but within a professional capacity, you almost experience these sort of issues day to day.....its hard as a lot of people I have worked with in local government for example have tried very hard to see improvement, so they probably wouldn't take to kindly to me saying I haven't seen improvement, but I can see its not through lack of effort to try and improve this.

SA: This is something I am trying to establish is what makes a community cohesive, as many initiatives till seem to assume it is there?

RN: Absolutely, I mean there are a couple of individuals within Middlesbrough who have worked very very hard to try and address those issues, I think they themselves would admit that it is such a challenge, and actually bringing communities together for specific events with a specific focus is the easy part, the hard part is the continuation of the message you have tried to give at that particular event or with

that particular initiative and to get that to sort of carry on, on a more permanent basis and have it become ingrained, you know in the whole idea of a community spirit. I personally don't see that as something that is working within Middlesbrough, far from it in all honesty.

SA: So when David Cameron talks about the Big Society, is there still this assumption that people have time, resources and the will of people to get involved?

RN: Yes, absolutely, and we can see this reflected in our recruitment, is how many applications we get via post or email that have come from something that arguably isn't a specific drive, for example we have not had an event to recruit volunteers, are we getting a lot of applications, well the answer to that is no. So like with the Big Society, people just don't naturally want to get involved so unless we go out to them and promote what we do, as a service, it's not something people are tuned into to.

SA: Do you get volunteers from the student population for work experience?

RN: Absolutely, we do work closely with Teesside University, we have done for a lot of years, we get a lot of interest from the students, that is where a lot of our applications come from. One of the things I find quite interesting, we know, as you might as a lecturer, that lecturers are at the start of the new term in September or October, they will tell students to try and get some volunteering work. But I would say the time to promote this is May, not October, because if you push it in May you have the whole summer to dedicated more time for their training, volunteering, do courses which would have perhaps clashed with lectures, assignments and exams, you have all this time to dedicate to volunteering. But we don't get students interested in May because they are probably thinking well, I have the summer, to go travelling or increase my hours at work. So for someone to say well it's now October so I will go and do some volunteering, you are going to get hammered with assignments, assignments you will be doing over Christmas and you will think about volunteering?

SA: Their perception will be that they are very busy, as they have multiple deadlines, so perhaps they wait until they graduate?

RN: I think you are exactly right, I mean my view on this is that students don't take up volunteering at the right time, one of the things I say to students who come to us, and we have a number from Teesside, is that if you start to volunteer at the end of the first year, let's say April/May you have all the summer and two years before you graduate, but what we can offer as a service is actual development opportunities which will work in tandem with the studying they are doing. The whole point is if you have a student doing criminology, why don't you volunteer for Victim Support, as the point is the doors you might not be able to open as a student of criminology, I might be able to open for you, with the work that I do.

For example someone doing a dissertation on an issue around domestic violence or sexual violence, well there is a door that can be opened to complement the study, you know we can line up focus groups, so from that point of view I would encourage students to come to us early on their studies and have that volunteering experience to improve their CV and also complements their studies – this could be a difference

between a 2:1 or a 2:2 because you have actually been able link studies to practice.....

SA: Yes an important part of their learning, its difficult to know what will spark peoples interest in participating?

RN: It is a difficult one, I think the issue with the Big Society idea, the reality is that it exists, yes people volunteer, but there isn't a culture of giving, but that's the cynic in me!

SA: Is there anything more you would like to add?

RN: No, the next people are due in now....

SA: Thank you for your time.

## APPENDIX F: Example of news report on 'Life in Doggy'

(see: <http://www.gazettelive.co.uk/news/local-news/were-talking-up-north-ormesby-3700664>)

# We're talking up North Ormesby

## ASK anybody where North Ormesby's heart lies and the answer is always the same – the people.

ASK anybody where North Ormesby's heart lies and the answer is always the same – the people.

This small working-class area with a big heart has taken its knocks over the years with the decline in industry, but one thing remains the same, and that's the community spirit that continues to thrive.

When the Evening Gazette went out onto the streets of "Doggy" - as it is affectionately known - the one constant among those we spoke to was the sense of place people felt. Everybody knows everybody else in North Ormesby and that's what keeps people there.

And one resident who feels a strong sense of belonging in North Ormesby is 75-year-old Molly Griffiths.

Molly was born and bred in North Ormesby, growing up on the now long-gone Leven Street with her three sisters, mum Mary and her docker step-dad Billy McCarthy. She attended Derwent Street and Lawson schools.

The mum-of four, grandma to 12 and great-grandma to 10 is still in North Ormesby seven decades later and is an ingrained member of the local community.

She serves as chairman on the Community Council and runs the Over-50s Club as well as getting involved in a whole host of local activities, including this year resurrecting the traditional North Ormesby Community Carnival.

She said: "The people are all close here, and while there are some newer people moving in who we don't know, most people have been here for generations. I would still knock on someone's door if I was worried about them, if I hadn't seen them for a few days – you don't get that in many places now."

In remembering her youth in the area, Molly looks back fondly, and her passion for the area is clear to see. She recalls the days when they would "throw pennies up the alley" while her mum acted as bookie and when the still-popular market used to be on until 7pm and even later around Christmas time.

Even for Molly though, the well-used nickname Doggy is surrounded in some mystery. While some argue that the name was born out of the "wet dog" smell that lingered from iron works once there, others say the nickname was coined because the boundary of the area resembled a dog's leg on a map or because the bolts used on railway tracks - called dog irons - were made at the iron works.

Another common belief is that the area was so named because of illegal whippet tracks which operated. Molly said: "A lot of people used to have racing dogs, greyhounds and such. There were that many dogs that it just got called Doggy, as far as I know."

A lot has changed in the time Molly has lived in the area. As with many places, some of the change has been unpleasant – jobs have been lost through the recession and through the decline in industry.

But North Ormesby has also seen vast investment in its future.

Earlier this year, Trinity Crescent, developed by Middlesbrough Council and Tees Valley Housing, won the Best New Affordable Housing Scheme of the Year in the Northern Housing Excellence Awards.

The award was the latest in a string of accolades for the scheme, which transformed a run-down market square with 1960s maisonettes on one side and a tired shopping centre on the other into a cutting edge, attractive mixed-use scheme.

As well as the provision of 110 houses for sale and 40 houses and bungalows for rent, the development included a new medical village, community facility, childcare nursery and extra care housing.

Molly said: "We fought for the new housing and got it. The new medical centre is excellent – everything is on one site and within walking distance. We have great facilities in North Ormesby, particularly for the kids."

Councillor Eleanor Lancaster, who has served North Ormesby for the best part of 17 years, agrees.

She said: "We have the community centre and the pavilion, both of which have a lot going on. The community centre has excellent staff and provides things for children of all ages, as well as deaf children and disabled children. We're very lucky to have it."

Molly added: "If I won a million pounds tomorrow I wouldn't move from here."

## APPENDIX G: NVIVO REPORT EXAMPLES

25/10/2015 13:51

### Coding Summary By Node

#### Community justice study

25/10/2015 13:51

Aggregate	Classification	Coverage	Number Of Coding References	Reference Number	Coded By Initials	Modified On
Nodes\\Community\\Participation						
Document						
Internals\\Gazette data 2014\\Gazette reports May 2014						
No		0.0308	3			
				1	S A	30/09/2015 10:51
A fun day was held on Eastcroft Road, near to where Joel lives with his mum, Mandy, dad, Paul and siblings Lydia, nine and Paul, seven. It is hoped that enough money will be raised to fund a holiday for the family which gives them something positive to look forward to and focus on.						
				2	S A	30/09/2015 10:52
<p>"If it was any other family, they would have been the first to do the same."</p> <p>Neighbours of all ages showed their support by taking part in a variety of fun activities including a sponsored baked bean bath. Nana, June, 56, said: "It has just all happened really quick. Within hours of us finding out, the whole community wanted to help. "Everyone has known him since he was a baby. I am absolutely overwhelmed. The support has been unbelievable. "Even if I won the lottery I would not live anywhere else. "This is the real Grangetown, seeing everyone coming together. "They say community spirit does not exist but it does here and it always will.</p>						
				3	S A	30/09/2015 10:53
"The support we've had is the kind of thing you would expect from the people of Grangetown. Everyone just sticks by each other."						

# Internals\\Interview - residents\\CC1 DE MAY14

No 0.3424 3

1 S A 24/10/2015 16:01

Yes, basically, the centre belonged to the council and they had a cost cutting exercise and t it down, so I was chair of the management committee up until 2009, so I basically said well lets keep it open and run it ourselves.

So I got a group of people together and we formed in the first instance a company limited by guarantee with 4 directors, and that enabled us to then go for charity status so we then formed a charity, with 5 trustees.

So from that basis we started to run the centre.

2 S A 24/10/2015 16:02

DE: Yes, its not just for local people, it attracts people from all over the show. A lot of people are so busy coping with life you know so our clientele seems to be young people and pensioners. So a nice mix really...

Young people come for dance class, and when people retire they want to do something, when you are working full time and then suddenly it seems there is nothing to do is there?

## Reports\\Coding Summary By Node Report

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3 S A 24/10/2015 16:05

There is a different mentality, and because of austerity are we going to rely on volunteering more than ever, but if a service is important, well, there is a risk it will go.

There is a focus on keeping things look nice, children study more about the environment

# Internals\\Interview - residents\\RES1 DH MAY14

No 0.0712 2

1 S A 24/10/2015 15:58

We set up a newspaper as people were complaining about not having local news, the 'Coastal View' it has taken off now because people value it, they want to know what is happening in their community in east Cleveland. I think there is more community spirit there compared to Middlesbrough, there are more villages, more of a sense of community.

2 S A 24/10/2015 16:00

You find when you go down south it does feel more lonely, we are quite open here and will talk to anybody, we find down south people shy away from it, especially in London.

# Internals\\Interview - residents\\RES2 CP MAY14

No 0.0929 3

1 S A 24/10/2015 15:45

Because people have to go out to work, you cant afford to stay at home, you need two wages coming in, so that's lets people down, lets the kiddies down, nobody at home. The government did say they wanted everybody out at work and they do say the kids in nurseries and this that and the other, I mean fair dos, but is it the right way, does it teach the children to they can have everything handed to them?

2 S A 24/10/2015 15:46

CP: We want to keep our streets as they are, I mean bear in mind the guy across the road, he has done time, but when the community comes together they keep an eye on everybody. If needed be, I can go and knock on the neighbours and say, I'm going away for a week, can you keep an eye on the house? And they will, and vice versa, you know when they put the bins out, will you push them back for me, just to make it look nice.

3 S A 24/10/2015 15:47

CP: We used to live in Askham, my husband is from down south and he couldn't get over the fact that if we went to the market, it took us so long to get there because we kept talking to people, and people saying hello. My husband's family are close, and they live on a little estate, but the people around.....he never really saw them. So when we got married he wanted to come to me up north, people talk to each other.

#### Internals\\Interview - volunteers or vol staff\\RJ STAFF MJ MAY14

No 0.0620 1

1 S A 24/10/2015 16:19

I think people would do more if they knew about what they could do. It brings some sense of community, the activities, but without this there isn't much going on, it needs something to bring people together.

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#### Internals\\Interviews - CJS staff\\CJS STAFF PC PCSO NPT May14

No 0.1788 2

1 S A 30/09/2015 11:07

It can be a leafy street you find this, where they just keep to themselves, or you can do to you the dodgy areas, but....just you being there brings people out, they clock you and come out, they know each other, they shout across you know 'he's after so and so, have you seem them.....'. I mean you get intelligence from these areas, from the more well to do, you get complaints, they just tell you what's wrong, but then they want nothing more to do with it.

2 S A 30/09/2015 11:08

It does help doesn't it to have a sense of community, well just to know what is going on really, we don't all have to love each other, but take an interest. Personally, if there is someone in distress, I want to know and help but that's because of my job, I know I can help, even off duty I can get back and get something done, I suppose if you can help can you.....should you get involved?



No	0.0956	4
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1	S A	09/09/2015 12:02
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What do you see as the features of a cohesive, or good community?

CF: A community that works together, that has pride in its areas, that knows each other. Not just residents but also the businesses in that area. Cohesive means pull together, glue together rather than disparate individuals who do not know each other, don't care and get on with their own lives in total isolation. But even in a cohesive community, you can still get that, its that how those people choose to live their lives. A community that doesn't cause detrimental stress or problems for each own community, you want it to look nice, people to behave, to be a useful functioning group in society.

2	S A	09/09/2015 12:02
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SA: Do you think fragmentation has much to do with levels of deprivation?

CF: Well when we did our community justice pilot, the community justice court we launched it in 2007 and we chose east Middlesbrough, the postcodes of TS3 and TS4 because that area had the highest levels of low level crime and it is this crime which comes to the magistrates court. But the thing about that community, and it was a number of wards about 5, the thing that impresses about those wards is the intense pride and love those people have for their community. This has the highest level of NEETs in the country, high level of unemployment and people on benefits, so huge deprivation, lots of shops closing down, lots of people without work, lots of single parents lot of aspects you might say would contribute to a deprived community but a huge love and care for their community. They cared that people were committing crimes within it, they want to make their community look good and work well and they really...its is hugely impressive how they love it and this had nothing to do with the deprivation at all.

3	S A	09/09/2015 12:07
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CF: If we felt it could work, we would try it. Once aspect of the pilot we wanted to try was to get residents to come into court as most magistrates courts are public, so sitting in court help them understand how we dealt with offenders, the questions we ask, what we hear back and how we deal with them, that was a real eye opener. They then go back to the community and talk about their day and what happened. They found it fascinating and none felt it was a waste of time. If you can encourage people to come to court, you should – some don't have the time, or they are nervous or they don't want to be seen. So courts in the community isn't going to work, as they will feel they have done something or they are telling on somebody.

4	S A	09/09/2015 12:10
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SA: What else hinders getting residents involved in dealing with crime and disorder?

Not wanting to get involved, whats the point, either nothing gets done, noone listens, nothing happens to them they don't get punished, what the point. Its fear of reprisals, in the community that is very tight and knows everybody and you know who committed the crime and they know you, word will get back. They will say I have kids, I cannot afford to say something. So the people who stick their head above the parapet and go to court are really the brave ones.

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## Internals\\Interviews - CJS staff\\CJSTAFF 2 SJ Aug 12

No		0.0267	1			
				1	S A	11/09/2015 12:30

SA: How far do you think resident are engaged with crime and disorder, taking responsibility but also attending meetings – is there anything you think hinders this?

SJ: I think what we have got to be really careful of is community meetings – if you based your perceptions on community meetings, you tend to have the same people going and they have an agenda, the issues they raise might be their issues, it is valuable forum, but you need to get out and speak to different people to really understand the issues; sometimes you have to be mindful those at community meetings are really representative of the wider community.

## Internals\\Interviews - CJS staff\\CJSTAFF 3 IG Aug 12

No		0.0603	1			
				1	S A	11/09/2015 13:14

SA: What do you see as the features of a cohesive community?

IG: Even in tough areas you can see the community spirit, they are all involved with what is going on, they are tight knit, they all know each other and each others issues, sometimes they deal problems themselves – in tough areas some of these communities are fabulous, better than the nicer areas, to be honest.

When I go and talk to community group, you can bet your bottom dollar, the tougher areas, more people turn up.

I think community spirit is better in the not so affluent areas, not the best dressed, their vocabulary might not be good, but they know each other and they are approachable.

## Internals\\Interviews - CJS staff\\CJSTAFF 4 AP Aug 12

No		0.0288	1			
				1	S A	15/09/2015 16:32

SA: So when a community has come together to solve a problem, what have you observed as the feature, or what was needed?

AP: I don't know whether people feel empowered, but they tackle the problems with the help of neighbourhood police, I think they are brilliant because they bring the community together and the PCSOs who I particularly like because they have limited powers, but they are hugely popular. The only real problem I have seen in the community is community councillors, they shout very loudly....I don't know if people think they can tackle things.

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Internals\\Interviews - CJS staff\\CJSTAFF 7 JW MAY14

No 0.1560 5

1 S A 30/09/2015 18:37

JW: Yes we still do beat surgeries, we do community council meetings as well for each ward, every 6 weeks, we have representation from local councillors which informs the group meeting. Our neighbourhood model is built around interventions, and access, on the access side is trying to engage with the local community, responding to their needs, it's a challenge to be honest, in theory, community council meetings are great, in practice, they are under-represented, sometimes you get a small number with their own priorities, and they don't see the bigger picture for that particular ward, its been a bit of a bone of contention sometimes, in theory it can be a very useful tool. We can go into areas where other groups meet, such as coffee mornings, we use social media aswell.

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2 S A 30/09/2015 18:45

JW: Yeah, we tried partly through the council meetings to set up additional Neighbourhood Watch schemes, I'll give you an example of what we are doing at the moment, we've got an issue with wheelie bins, so with the fire service and local authority we identify people who want better security, rolling this out, so we have locks on the bins and also try and sign people up to neighbourhood watch schemes as well, to try and get them involved, we have community speed watch schemes, where we get members of the community to come with us to problem roads etc, and use the camera board to record registration and that sort of thing.

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3 S A 30/09/2015 18:47

But is how you do that and how you access it, sometimes there is...you will find low attendance at community council meetings, sometimes we struggle to get residents to do the community speed watch and there is, on the some the harder estates there is the thing of working with the police, being a 'grass' and all that sort of stuff, there are barriers there to overcome.

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4 S A 30/09/2015 18:47

JW: To generalise, I would say the slightly older members of the community, not so much with the younger, then tend to be disengaged also the unemployed, but then employed people are hard to reach, there are busy and don't want to give up their time on the evenings and weekends.

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5 S A 30/09/2015 18:49

JW: Yes, there is more to say on restorative justice I have been involved in, the community drop ins and beat surgeries, we are pulling back from them, I have put in a report as my staff are gone for an hour and invariably and the average was less than two, for attendees. Even though we put it on the website, etc, there are a few that are well attended, but the poorly attended we should withdraw and maybe look at more practical ways, to go to other community events and have a presence there instead, like bingo games.

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No 0.0832 2

1 S A 30/09/2015 12:30

GH: Well that was the idea, to have it dealt with at the courts but to see the areas and work with the PCSOs and the police to focus on it. This is what the community were telling us, they would be involved if they had some input.

~~You had to be careful with council meetings, the hardcore are there and they have their own agenda, the point is they cant focus~~

2 S A 30/09/2015 12:31

GH: The fact that many couldn't afford the time.....they are interested but it works better when the court came to them really. Coming to the court isn't as relaxed the same for problem solvers they can have more of a relaxed conversation outside the court.

# Coding Summary By Node

## Community justice study

25/10/2015 14:41

Aggregate	Classification	Coverage	Number Of Coding References	Reference Number	Coded By Initials	Modified On
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### Node

Nodes\\Problem solving approaches\\Achieving justice

#### Document

Internals\\Interview - volunteers or vol staff\\VS2 VOL SH MAY14

No	0.0413	2				
			1	S A		24/10/2015 16:43

SH: Absolutely, I really do support the principles behind restorative justice, however, I had a case whereby one of my clients, as a victim, I mentioned it to them because they felt so, that the system hadn't given them the opportunity to have a voice, hadn't given them the opportunity to actually say about how the crime had impacted them.

2	S A	24/10/2015 16:51
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The police do a good job overall, but I think they don't understand how important it is to relay it back – they are working their socks off, but not telling anyone, so they feel frustrated.....for me, its closing that gap.....do what you say and say what you do...its that simple.

Internals\\Interview - volunteers or vol staff\\VS3 STAFF RN MAY14

No	0.1012	2				
			1	S A		24/10/2015 16:27

RN: Yes, one important project is third party reporting, it used to be called True Vision and its basically for hate crimes, to have them reported more readily as it is an area that it very under-reported. There has been a lot of push for that particular initiative to try and get more people to report, and Victim Support for example is classed as a third party reporting only centre. So that would be one initiative which is at the forefront of my work, there is an awful lot of work going on in Middlesbrough.

2	S A	24/10/2015 16:28
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Third party reporting, although its got.....its has gone through promotion and re-energising this year, its always been quite difficult to increase reporting with hate crime, to encourage people to come forward. So although I think people are positive about it as a concept and new initiative, its getting it to happen is a big challenge. There is lot of work going on to try and encourage people to report more. Through publicity, we offer training for dealing with third party reporting, so they know what it is and how we must help victims who come to our centre.....there's obviously that fear of involving the police sometimes, so we are trying to work closely with the police to find a remedy for that and generally it is working quite well at the moment.

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## Internals\\Interview - volunteers or vol staff\\VS4 VOLS SP CH MAY14

No	0.1169	1				
			1	S A	24/10/2015 16:13	

Some days its just asking how are you, but other cases a lot is needed and you need to call on others to help. The main help we get is housing associations, cases like ASB but also if there are children at risk. There have also been street wardens to try and solve problems in communities, so we get reports and need to say they need to go to a certain area.

## Internals\\Interviews - CJS staff\\CJSTAFF 1 CF Aug 12

No	0.1132	5				
			1	S A	09/09/2015 11:10	

There was one instance where someone was frightened of beards so could staff with beards shave them or they didn't like men which is harder to cope with in the court, but if you can do things which assist them in giving their evidence and to achieve justice at the end of the day then we will do it.

People who have, who take a long time to think through their answers, you just have to be aware its not that they haven't heard you or don't understand, they are probably processing that question. Such as having a person with them to check they are ok, just ways of making these cases, ensure these cases go through and aren't difficult for people.

2	S A	09/09/2015 11:11
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SA: I suppose learning difficulties like Aspergers can present as lack of social skills and looks sometimes hostile when they are just trying to deal with it.

CF: Yes it can have so many different ways of presenting itself and how....it can be difficult because it can be sterile and so fixed in our ways, the way we have done it for 100s of years. Even the terminology, things we don't think are terminology such as 'standing a case down' which for us is easy, we are just going to put it off for half an hour, or we are going to 'adjourn' and terms like 'bail'. So we really need to step back and think about these things and how people.....even nerves can cause difficult behaviour. So people with learning difficulties and mental health issues can present us with a problem because it is difficult to know why they offend, difficult to address re-offending, difficult to ...I say difficult...its not as straightforward as we are used to dealing with in court. Do they understand what has happened and what the outcomes are after court, so its very complex. We do expect people to fall into a pigeon hole, they don't and this is something we need to recognise.

3	S A	09/09/2015 11:50
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But it isn't always the right sentence, it isn't always the sentence we can give and it isn't always the right sentence which is going to address re-offending. So a lot the public would prefer them to be locked up than on probation, which of course you get the 'slap on the wrist' terminology from the press, they were 'let off.....just with probation' but in fact a community order is not a soft option, particularly with an intensive order with a lot of requirements, it isn't the easy option. Some offenders would much rather go to prison...

4	S A	09/09/2015 12:07
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CF: If we felt it could work, we would try it. Once aspect of the pilot we wanted to try was to get residents to come into court as most magistrates courts are public, so sitting in court help them understand how we dealt with offenders, the questions we ask, what we hear back and how we deal with them, that was a real eye opener. They then go back to the community and talk about their day and what happened. They found it fascinating and none felt it was a waste of time. If you can encourage people to come to court, you should – some don't have the time, or they are nervous or they don't want to be seen. So courts in the community isn't going to work, as they will feel they have done something or they are telling on somebody.

5	S A	09/09/2015 12:12
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More use of restorative justice is helpful the courts can make this part of an order, it is not something always before court. We are about to start neighbourhood justice panels, there are pilots out there. There are concerns if it take work of courts, but again it gives the community the chance to take a bit of control it could work out well.

SA: Because it removes the need to go to court and the issues that brings?

CF: Yes, I mean its for neighbourhood disputes, not all criminal cases, but it is all problem solving.

25/10/2015 14:41

Aggregate	Classification	Coverage	Number Of Coding References	Reference Number	Coded By Initials	Modified On
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### Internals\\Interviews - CJS staff\\CJSTAFF 2 SJ Aug 12

No		0.0470	2			
				1	S A	11/09/2015 11:46

SJ: Then it's the issue of how we use CIS, that's a bit more problematic, getting them from the police and CPS and to the courts; we need to utilise the community court, so we have key representatives from the CPS to manage it and we then had the community court, so we would have somebody who has committed a 'community impact' offence and the magistrate trained so they would give harsher sentences for offences which were having a direct impact on the community.

So, say a kid commit criminal damage on the community centre so a mum and her kids cant meet there, the impact on the community has to match the sentence.

				2	S A	11/09/2015 12:15
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SA: There has been a strong focus on targets.....

SJ: There still is, irrespective of what the government says, there is still a performance culture, and we need to pull away from that and I think one of the issues in CJS, for not going down the community justice route is that the perception of our performance is affected, so one the areas we could look at changing, is to include community outcomes, this could be more acceptable to the community and victim, than what we do.

### Internals\\Interviews - CJS staff\\CJSTAFF 3 IG Aug 12

No		0.2341	5			
				1	S A	11/09/2015 12:40

SA: Can you tell me about the CJ court?

IG: It started around 2008, it was really exciting, there was a lot of enthusiasm from the magistrates but it needed the right people and the right chair, but it wasn't just about what goes on in here, in the court itself, but also about going out into the community and talking to people about their meetings.

				2	S A	11/09/2015 12:43
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SA: What are the key features of it which made it different?

IG: I think initially it was the fact that we talked to the defendant in a way they understood, about the issues they had, it was not always about sentencing and punishing, it was about getting them help and back into the community, which I think is important – I do have my community justice head on when I am in court, I think it really does work.

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3 S A 11/09/2015 13:12

IG: (Partnership working) The benefits, are you get people all of the same mind, CJ isn't just about punishment, its about getting help. If there is a choice you should use community sentences to help re-integrate, the youth service and probation they also value this process; the community impact statements are a big help.

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4 S A 11/09/2015 13:13

IG: When we first went out to talk to others about CJ, one of their things was, is this an initiative which will just come and go? You know we were all really keen on it, but I feel personally we have let them down.

SA: Why do you think it hasn't taken off?

IG: Well that's the trouble, I think it was successful so it was proposed all areas would do it, so every case coming to Middlesbrough would be a CJ case, which sounds really good doesn't it? If you have the right people in the room, they can provide the help there and then, in house – if you see someone in court and then have to wait for half an hour just for some help, you might not wait.

SA: So perhaps a lack of investment?

IG: ~~There just isn't the space, other courts are in use, its not anyone's fault just the way of the world.~~

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5 S A 11/09/2015 13:20

IG: My role as a magistrate is not just to punish, but to punish in the right way so the community benefit from this, its easier to send someone to prison, harder to address the problems.

If you explain the impact of community orders and how the short prison sentence is just.....it's a revolving door, they come back out and where are they going to do, back to where they live and commit crime again.

They are trying in prison to address issues, but its difficult, I have found when I talk to groups about this they do rethink if prison is the best option. They see its short term to use prison, the problem goes away but it comes back, if they have had no help and no-one has listened to them.

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## Internals\\Interviews - CJS staff\\CJSTAFF 4 AP Aug 12

No 0.1584 4

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1 S A 15/09/2015 16:21

AP: So, yes, the problem solving, that came about when I first took over, we had a healthcheck, it was can general, a set of principles. So we looked at people who were coming into court, either for the first time or coming back for low level offences and we decided it might be a good idea to provide some intervention at that point, to stop that revolving door or to stop people progressing to more serious crimes. So we devised a process which was incredibly simple, where we identified cases which could be problem solving cases and there was no intervention in place, we didn't want to tread on probation's toes, lots of people coming through and it was taken up by a lot of people, and we developed a questionnaire, for them to go with a volunteers, a tick box exercise to tell us what worked, what were the issues which brought them to court, it was clear to them it was voluntary, but it worked really, really well.

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2 S A 15/09/2015 16:23

AP: In the community justice court, we had the dedicated court, we didn't see anybody come back, which was good, but there was never any proper statistical information kept about it unfortunately. We had a team of volunteers, most of them university students, in hindsight this might not have been best because of their other commitments, it was useful for them as it was relevant to what they were studying for, but when it came back to going back to university, the pressures of their worked meant we lost quite a few, so it was difficult to cover the survey work, its always there to be taken up again, we have a full training package and it could be up and running again, but the commitment is difficult.

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3 S A 15/09/2015 16:24

AP: I think by addressing low level offending and preventing it escalating further, I think we are protecting the community, so where if someone might have re-offended, e.g. they might have had an issue such as bereavement, this came up time after time, because they have addressed this, so in an indirect way we were working to reduce the number of victims.

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4 S A 15/09/2015 16:27



AP: (Community Impact statements) are compiled to show everyone that was spoken to, not just victims, but other members of the public, those from various organisations, like the church. Then the priorities are described, what the issue is and what has been the impact on the community to demonstrate the harm.

There are good when they are used, but the problem that we found was getting the done, because the police, well they have an horrendous job really, they go to an offence and have so many things to think about, so is it always going to pop into their head, not all the time no, so we didn't see an awful lot of them in the court room, but that said, we did share them with the local authority and so we can inform them about where to put their resources. The anti-social behaviour teams were authorised to get them as well, we share them with probation and the youth offending service so they can use them for the pre-sentence report, or when they do some work with the offender. They go just about everywhere, there is a great long distribution list, where they go to, CPS can get a copy so they are aware.

Aggregate	Classification	Coverage	Number Of Coding References	Reference Number	Coded By Initials	Modified On
Internals\\Interviews - CJS staff\\CJSTAFF 5 RR Aug 12						
No		0.1241	1			
				1	S A	30/09/2015 18:29

Community justice - Important to know what works, so priority of reducing re-offending can be met; community justice is another approach, it uses interagency and also has some focus on victims.